

City of Carmel

Common Council

SPECIAL MEETING

January 8, 2007

6:00 P.M.

COMMON COUNCIL SPECIAL MEETING AGENDA

MONDAY, JANUARY 8, 2007 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEETING CALLED TO ORDER

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS
4. APPROVAL OF MINUTES
 - a. December 18, 2006 Regular Meeting
 - b. December 22, 2006 Special Meeting
5. RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL
6. COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS
7. ACTION ON MAYORAL VETOES
8. CLAIMS
 - Payroll
 - General Claims
 - Retirement
9. COMMITTEE REPORTS
 - a. Finance, Administration and Rules Committee
 - b. Land Use, Annexation and Economic Development Committee
 - c. Parks, Recreation and Arts Committee
 - d. Utilities, Transportation and Public Safety Committee

10. **OLD BUSINESS**

- a. **Third Reading of Ordinance Z-500-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Park Place (Retirement Community) Planned Unit Development District (Guilford Road and 116th Street); Sponsor: Councilor Sharp. (Land Use, Annexation and Economic Development Committee 1/11/07).

11. **PUBLIC HEARINGS**

- a. **First Reading of Ordinance Z-501-07**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Legacy Planned Unit Development District (146th and River Road); Sponsor: Councilor Rattermann.

12. **NEW BUSINESS**

13. **OTHER BUSINESS**

- a. City Council Appointments
 - 1. Carmel Plan Commission (Term expires 12/31/2007, beginning January 1), one appointment.
 - 2. Police Merit Board (Term expires 12/31/2007), one appointment

14. **ANNOUNCEMENTS**

15. **EXECUTION OF DOCUMENTS**

16. **ADJOURNMENT**

COMMON COUNCIL MEETING MINUTES

MONDAY, DECEMBER 18, 2006 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEMBERS PRESENT:

Mayor James Brainard, Council President Richard L. Sharp, Council Members Kevin Kirby, Brian D. Mayo, Joseph C. Griffiths, Fredrick J. Glaser, Ronald E. Carter, Mark Rattermann, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.

Mayor Brainard called the meeting to order at 6:00 p.m.

Pastor Mark Thomas, Every Nation Church, pronounced the Invocation.

Mayor Brainard led the Pledge of Allegiance.

RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

There were none.

APPROVAL OF MINUTES:

Councilor Mayo made a motion to approve the Minutes of the December 4, 2006, Regular Meeting. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. The Minutes were approved 7-0.

RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

Marnin Spigelman, 11816 Harvard Lane, Carmel, IN., spoke in opposition to Ordinance Z-500-06 (attachment 1) and presented 147 pages of signatures opposed to Ordinance Z-500-06 to the Council.

Angie Molt, 740 W. Auman Drive, Carmel, IN., addressed the Council and requested that the Noise Ordinance be reviewed and modified. Mrs. Molt also asked that Council consider nominating John Sullivan to the Carmel Redevelopment Commission.

John Sullivan, 862 Enclave Circle, Carmel, IN addressed Council regarding the appointments to the Carmel Redevelopment Commission.

COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:

There were none.

1 **ACTION ON MAYORAL VETOES:**

2
3 There were none.

4
5 **CLAIMS:**

6
7 Councilor Mayo made a motion to approve the claims in the amount of \$1,622,717.08. Councilor
8 Griffiths seconded. There was no Council discussion. Council President Sharp called for the question.
9 Claims were approved 7-0.

10
11 **COMMITTEE REPORTS:**

12
13 Councilor Rattermann reported that the Finance, Administration and Rules Committee met and discussed
14 Ordinance D-1836-06 and Ordinance D-1838-06. Ordinance D-1836-06 was sent to the full Council with
15 a 2-0 favorable recommendation. Ordinance D-1838-06 was sent to the full Council with a 1-1 vote.

16
17 Councilor Glaser reported that the Land Use, Annexation and Economic Development Committee met
18 and discussed Ordinance Z-499-06 and Ordinance Z-500-06. Ordinance Z-499-06 will be withdrawn by
19 Councilor Rattermann per instructions from the petitioner. Ordinance Z-500-06 will remain in
20 committee.

21
22 Councilor Carter reported that the Parks, Recreation and Arts Committee met and discussed the marketing
23 of Central Park, in addition to safety issues for Central Park and the Monon.

24
25 Councilor Kirby reported that the Utilities, Transportation and Public Safety Committee met and
26 discussed Ordinance D-1837-06 which was sent to the full Council with a unanimous favorable
27 recommendation.

28
29 **OLD BUSINESS**

30
31 Council President Sharp announced the **Fourth Reading of Ordinance D-1836-06**; An Ordinance of the
32 Common Council of the City of Carmel, Indiana, Amending the Requirement for Mayoral Signature of
33 Council Resolutions. There was brief Council discussion. Councilor Mayo made a motion to approve
34 Ordinance D-1836-06. Councilor Rattermann seconded. There was no Council discussion. Council
35 President Sharp called for the question. **Ordinance D-1836-06** was adopted 7-0.

36
37 Council President Sharp announced the **Second Reading of Ordinance D-1837-06**; An Ordinance of the
38 Common Council of the City of Carmel, Indiana, Amending Chapter 9, Article 2, Division VI, Section
39 9-77(d) of the Carmel City Code (Fire Hydrant Specifications). Councilor Mayo made a motion to
40 approve Ordinance D-1837-06. Councilor Rattermann seconded. There was brief Council discussion.
41 **Ordinance D-1837-06** was adopted 7-0.

42
43 Council President Sharp announced the **Second Reading of Ordinance D-1838-06**; An Ordinance of the
44 Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division II, Sections
45 2-38, 2-39, 2-40, 2-41, 2-42, 2-47, 2-50, 2-51, 2-56 and 2-59 of the Carmel City Code (Benefits for City
46 Employees). Councilor Glaser recused himself and left the chamber. Councilor Mayo presented
47 Amended VERSION A 12/15/06 to the Council and made a motion to approve Ordinance D-1838-06, As
48
49

Amended, VERSION A 12/15/06. Councilor Kirby seconded. There was brief Council discussion. Councilor Carter informed Council that there was a scrivener's error on page 3, line 39; (remove the word *make*). Council President Sharp called for the question. The motion to amend Ordinance D-1838-06 was approved 6-0. Councilor Mayo made a motion to approve Ordinance D-1838-06, As Amended, VERSION A 12/15/06. Councilor Carter seconded. Council President Sharp called for the question. **Ordinance D-1838-06, As Amended**, VERSION A 12/15/06 was adopted 5-1 (Councilor Rattermann opposed).

Councilor Glaser returned to the chamber.

Second Reading of Ordinance Z-499-06; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Townhomes at Central Park Planned Unit Development District (Westfield Boulevard at 114th Street). This item was withdrawn by Councilor Rattermann.

Second Reading of Ordinance Z-500-06; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Park Place (Retirement Community) Planned Unit Development District (Guilford Road and 116th Street). This item remains in the Land Use, Annexation and Economic Development Committee.

PUBLIC HEARINGS

There were none.

NEW BUSINESS

Council President Sharp announced **Resolution CC-12-18-06-01**; A Resolution of the Common Council of the City of Carmel, Indiana, Approving a Transfer of Funds in the 2006 Deferral Fee Fund Budget (\$10,100). Councilor Mayo made a motion to move this item into business. Councilor Griffiths seconded. Council President Sharp referred to Tom Perkins, Assistant City Attorney to present this item to Council. There was no Council discussion. Councilor Mayo made a motion to approve Resolution CC-12-18-06-01. Councilor Rattermann seconded. There was no Council discussion. Council President Sharp called for the question. **Resolution CC-12-18-06-01** was adopted 7-0.

Council President Sharp announced **Resolution CC-12-18-06-02**; A Resolution of the Common Council of the City of Carmel, Indiana, Approving a Transfer of Funds in the 2006 Department of Law Budget (\$2,700). Councilor Rattermann made a motion to move this item into business. Councilor Mayo seconded. Council President Sharp referred to Tom Perkins, Assistant City Attorney, to present this item to Council. There was no Council discussion. Councilor Mayo made a motion to approve Resolution CC-12-18-06-02. Councilor Rattermann seconded. There was no Council discussion. Council President Sharp called for the question. **Resolution CC-12-18-06-02** was adopted 7-0.

Council President Sharp announced **Resolution CC-12-18-06-03**; A Resolution of the Common Council of the City of Carmel, Indiana, Approving a Transfer of Funds by the Carmel Fire Department (\$145,000). Councilor Mayo made a motion to move this item into business. Councilor Rattermann seconded. Councilor Mayo presented this item to Council.

Councilor Kirby left the Council chamber.

1 There was brief Council discussion. Councilor Glaser referred to Chief Doug Callahan, Carmel Fire
2 Department, for clarification. Councilor Mayo made a motion to approve Resolution CC-12-18-06-03.
3 Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the
4 question. **Resolution CC-12-18-06-03** was adopted 6-0.
5

6 7 **OTHER BUSINESS**

8 9 a. Election of 2007 Council President

10
11 Council President Sharp opened the floor for nominations for the 2007 Council President.
12 Councilor Mayo nominated Councilor Griffiths. Councilor Carter seconded. There were
13 no other nominations. Council President Sharp closed the nominations. Councilor Mayo
14 moved that Councilor Griffiths be elected the 2007 Council President by acclamation.
15

16 Councilor Carter and Mayor Brainard thanked Council President Sharp for his outstanding
17 job for the past year.
18

19 b. City Council Appointments

20
21 Carmel Redevelopment Commission (One year term, beginning January 1), two
22 appointments.
23

24 Council President Sharp opened the floor for nominations to the Carmel
25 Redevelopment Commission. Councilor Rattermann nominated John Sullivan.
26 Councilor Glaser seconded. Councilor Carter nominated Bill Hammer. Councilor
27 Mayo seconded.
28

29 Councilor Kirby returned to the chamber.
30

31 Councilor Carter nominated Rick Sharp. Councilor Griffiths seconded.
32 Councilor Glaser nominated Councilor Rattermann. Councilor Rattermann
33 seconded. Council President Sharp called for the vote for Mr. Sullivan (2-5). Council
34 President Sharp called for the vote for Mr. Hammer (5-2). Council President Sharp called
35 for the vote for Mr. Sharp (5-2). Council President Sharp called for the vote for Mr.
36 Rattermann (2-5). Mr. Hammer and Mr. Sharp were reappointed to the Carmel
37 Redevelopment Commission.
38

39 Councilor Carter informed Council that there is a vacancy on the Police Merit Board. Councilor Kirby
40 made a motion to add the Police Merit Board appointment to the agenda. Councilor Carter seconded.
41 Council President Sharp called for the question. The motion failed 6-1 (Councilor Rattermann opposed).
42

43 **ANNOUNCEMENTS**

44
45 There were none.
46
47
48
49

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46
- 47
- 48
- 49

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

1
2
3
4
**COMMON COUNCIL
SPECIAL MEETING
MINUTES**

5
6
**WEDNESDAY, DECEMBER 22, 2006 – 8:00 A.M.
COUNCIL CHAMBERS / CITY HALL / ONE CIVIC SQUARE**

7
8
MEMBERS PRESENT:

9 Council Members, Kevin Kirby, Brian D. Mayo, Joseph C. Griffiths, Fredrick J. Glaser, Ronald E.
10 Carter, Mark Rattermann, and Deputy Clerk-Treasurer Lois Fine.

11
12 Mayor James Brainard, Council President Richard L. Sharp and Clerk-Treasurer Diana L. Cordray
13 were absent.

14
15 Councilor Glaser called the meeting to order at 8:02 a.m.

16
17
CLAIMS

18 Councilor Griffiths made a motion to approve the claims in the amount of \$1,832,088.36. Councilor
19 Kirby seconded. Councilor Glaser called for the question. Claims were approved 6-0.

20
21
EXECUTION OF DOCUMENTS

22
23 Councilor Glaser adjourned the meeting at 8:02:30 a.m.

24
25
ADJOURNMENT

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
Respectfully submitted,

Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

Mayor James Brainard

46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
ATTEST:

Clerk-Treasurer Diana L. Cordray, IAMC

DEPARTMENT NUMBER LISTING

101	GENERAL FUND	403	LEASE/RENTAL FUND
	1110 POLICE DEPARTMENT	404	2002 COIT CONSTRUCTION
	1115 COMMUNICATIONS CENTER	500	LAND AQUISITION FUND
	1120 FIRE DEPARTMENT	501	DNR/TREE CITY GRANT FUND
	1125 PARKS DEPARTMENT-APPROVAL NOT REQUIRED	502	COURT RECORDS PREPETUATION FUND
	1150 BOARD OF PUBLIC WORKS	601	WATER OPERATING FUND
	1160 MAYOR'S OFFICE	602	METER DEPOSIT FUND
	1180 DEPARTMENT OF LAW	604	WATER DEPRECIATION FUND
	1190 PLANNING COMMISSION	605	WATER BOND & INTEREST
	1192 DEPT OF COMMUNITY SERVICE	606	WATER SINKING FUND
	1195 DEPT OF ADMINISTRATION	609	WATER CONNECTION FUND
	1201 HUMAN RESOURCES	610	WATER AVAILABILITY FUND
	1202 INFORMATION SYSTEMS	612	WATER CONSTRUCTION FUND
	1205 GENERAL ADMINISTRATION	651	SEWER OPERATING FUND
	1301 CITY COURT	652	SEWER DEPRECIATION FUND
	1401 COMMON COUNCIL	653	SEWER BOND & INTEREST
	1701 CLERK-TREASURER'S OFFICE	654	SEWER CONSTRUCTION FUND
102	AMBULANCE CAPITAL FUND	659	SEWER CONNECTION FUND
103	PARKS CAPITAL FUND-APPROVAL NOT REQUIRED	660	SEWER AVAILABILITY FUND
104	PARKS PROGRAM FUND-APPROVAL NOT REQUIRED	801	POLICE PENSION FUND
106	PARK IMPACT FEE FUND	802	FIRE PENSION FUND
201	MOTOR VEHICLE HIGHWAY FND	851	FIRE GIFT FUND
	2200 CITY ENGINEER'S OFFICE	852	POLICE PENSION FUND
	2201 STREET DEPARTMENT	853	PARKS GIFT FUND-APPROVAL NOT REQ
202	LOCAL ROAD & STREET FUND	854	PSTC FEASIBILITY STUDY FUND
203	CUM CAP IMPROVEMENT FUND	900	GRANT FUND
206	CUM CAP SEWER FUND	902	REDVMT FUND-APPROVAL NOT REQ
209	DEFERRAL FUND	903	CARMEL ECONOMIC FUND
210	USER FEE FUND	904	CARMEL HOUSING AUTHORITY
211	CUM CAP DEVELOPMENT FUND	911	LAW ENFORCEMENT AID FUND
220	BARRETT LAW FUND	912	RAINY DAY FUND
301	MEDICAL ECSROW FUND	919	THOROUGHFARE FUND
401	2002 COIT BOND & INTEREST		
402	CIVIC SQUARE CONT FUND		

01/03/07

ACCOUNTS PAYABLE - CITY OF CARMEL

PAGE 1

VENDOR NAME	CHECK NO	DATE	DESCRIPTION	KEY ORGAN-ACCOUNT P.O.	INVOICE AMT	CHECK AMT
A T & T LONG DISTANCE	143024	12/27/06	839002189	2201-4344000	3.83	3.83
BRIGHT HOUSE NETWORK	143025	12/27/06	200835803	1125-4350900	64.95	64.95
CARMEL UTILITIES	143026	12/27/06	6002047001	1125-4348500	19.85	
CARMEL UTILITIES	143026	12/27/06	0631903500	1125-4348500	14.87	
CARMEL UTILITIES	143026	12/27/06	1102158301	2201-4348500	214.69	
CARMEL UTILITIES	143026	12/27/06	1022323900	2201-4348500	29.74	
CARMEL UTILITIES	143026	12/27/06	0692331800	1125-4348500	27.00	306.15
DUKE ENERGY	143027	12/27/06	8230-3587-01-9	2201-4348000	29.44	
DUKE ENERGY	143027	12/27/06	6550-3568-01-7	2201-4348000	23.96	
DUKE ENERGY	143027	12/27/06	1310-3278-01-0	1125-4348000	215.50	
DUKE ENERGY	143027	12/27/06	3190-3277-01-0	1125-4348000	8.84	
DUKE ENERGY	143027	12/27/06	9760-3564-01-8	2201-4348000	27.60	305.34
CITY OF CARMEL - PAYROLL	143029	12/27/06	DED:*SIN ST TAXES	101-2355	-33.69	
CITY OF CARMEL - PAYROLL	143029	12/27/06	DED:*SIN ST TAXES	101-2355	47.04	
CITY OF CARMEL - PAYROLL	143029	12/27/06	DED:*SIN ST TAXES	101-2355	39.47	
CITY OF CARMEL - PAYROLL	143029	12/27/06	DED:*SIN ST TAXES	101-2355	17.22	
CITY OF CARMEL - PAYROLL	143029	12/27/06	DED:*SIN ST TAXES	101-2355	-48.88	
CITY OF CARMEL - PAYROLL	143029	12/27/06	STATE & COUNTY TAXES DUE	101-2355	5.71	26.87
CITY OF CARMEL-PAYROLL AC	143030	12/27/06	DED:*FI FICA TAXES	101-2350	-125.96	
CITY OF CARMEL-PAYROLL AC	143030	12/27/06	DED:*FT FED TAXES	101-2350	132.66	
CITY OF CARMEL-PAYROLL AC	143030	12/27/06	DED:*FM MED TAXES	101-2350	41.72	
CITY OF CARMEL-PAYROLL AC	143030	12/27/06	DED:*FM MED TAXES	101-2350	-29.46	
CITY OF CARMEL-PAYROLL AC	143030	12/27/06	DED:*FM MED TAXES	101-2350	-43.28	
CITY OF CARMEL-PAYROLL AC	143030	12/27/06	DED:*FM MED TAXES	101-2350	34.38	
CITY OF CARMEL-PAYROLL AC	143030	12/27/06	DED:*FI FICA TAXES	101-2350	-185.08	
CITY OF CARMEL-PAYROLL AC	143030	12/27/06	DED:*FM MED TAXES	101-2350	15.80	
CITY OF CARMEL-PAYROLL AC	143030	12/27/06	DED:*FT FED TAXES	101-2350	33.27	
CITY OF CARMEL-PAYROLL AC	143030	12/27/06	DED:*FT FED TAXES	101-2350	-119.17	
CITY OF CARMEL-PAYROLL AC	143030	12/27/06	DED:*FT FED TAXES	101-2350	-140.79	
CITY OF CARMEL-PAYROLL AC	143030	12/27/06	DED:*FT FED TAXES	101-2350	144.67	
CITY OF CARMEL-PAYROLL AC	143030	12/27/06	DED:*FI FICA TAXES	101-2350	67.58	
CITY OF CARMEL-PAYROLL AC	143030	12/27/06	DED:*FI FICA TAXES	101-2350	178.36	
CITY OF CARMEL-PAYROLL AC	143030	12/27/06	DED:*FI FICA TAXES	101-2350	147.04	151.74
ICE MOUNTAIN SPRING WATER	143031	12/27/06	OTHER RENTAL & LEASES	1125-4353099	18.04	18.04
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	-31.17	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	16.26	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	31.17	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	28.18	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	28,618.65	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	15,143.76	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	29,025.40	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	14,931.48	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	28,481.99	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	14,860.21	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	15,608.52	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	31.34	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	16.35	

01/03/07

ACCOUNTS PAYABLE - CITY OF CARMEL

PAGE 2

VENDOR NAME	CHECK NO	DATE	DESCRIPTION	KEY ORGAN-ACCOUNT P.O.	INVOICE AMT	CHECK AMT
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	-85.83	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	-16.26	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	29,916.36	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	29,045.66	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	15,154.26	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	28,279.19	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	43.15	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	82.71	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	14,754.44	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	-54.02	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	-28.18	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	54.02	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	28.18	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	-30.47	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	-58.41	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	77.69	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	42.08	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	-44.78	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	21.96	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	40.53	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	-77.69	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	-40.53	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	54.02	
PERF - CIVILIAN	143032	12/27/06	DED:200 PERF-EMPLE	101-2315	35.57	
PERF - CIVILIAN	143032	12/27/06	DED:201 PERF-EMPLR	101-2315	68.18	
						264,023.97
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:217 PENSION	101-2317	-123.86	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:215 PENSION	101-2317	11,890.56	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:217 PENSION	101-2317	18,207.42	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:217 PENSION	101-2317	-123.86	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:217 PENSION	101-2317	123.86	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:215 PENSION	101-2317	-123.86	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:215 PENSION	101-2317	123.86	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:217 PENSION	101-2317	18,207.42	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:215 PENSION	101-2317	11,890.56	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:217 PENSION	101-2317	123.86	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:215 PENSION	101-2317	11,890.56	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:217 PENSION	101-2317	123.86	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:217 PENSION	101-2317	-123.86	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:217 PENSION	101-2317	18,207.42	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:215 PENSION	101-2317	11,890.56	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:217 PENSION	101-2317	18,207.42	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:215 PENSION	101-2317	11,890.56	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:217 PENSION	101-2317	18,207.42	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:215 PENSION	101-2317	11,890.56	
PERF - POLICE & FIRE UNIF	143033	12/27/06	DED:217 PENSION	101-2317	18,207.42	
						180,587.88
SPRINT	143034	12/27/06	0590259708-3	1046-4344100	494.83	
						494.83
UNUM LIFE INSURANCE CO OF	143035*	12/27/06	DED:203 LTD	101-2347	-2.85	
UNUM LIFE INSURANCE CO OF	143035*	12/27/06	DED:203 LTD	101-2347	2.85	
UNUM LIFE INSURANCE CO OF	143035	12/27/06	DED:203 LTD	101-2347	8.07	
UNUM LIFE INSURANCE CO OF	143035	12/27/06	DED:203 LTD	101-2347	-2.85	
UNUM LIFE INSURANCE CO OF	143035*	12/27/06	DED:203 LTD	101-2347	-8.07	

01/03/07

ACCOUNTS PAYABLE - CITY OF CARMEL

PAGE 3

VENDOR NAME	CHECK NO	DATE	DESCRIPTION	KEY ORGAN-ACCOUNT P.O.	INVOICE AMT	CHECK AMT
UNUM LIFE INSURANCE CO OF	143035	12/27/06	DED:203 LTD	101-2347	2.85	
						.00
DUKE ENERGY	143036	12/29/06	8930-3276-01-8	651-5023990	156.47	
DUKE ENERGY	143036	12/29/06	5730-3050-01-0	651-5023990	44.73	
DUKE ENERGY	143036	12/29/06	3110-3571-02-5	601-5023990	63.11	
DUKE ENERGY	143036	12/29/06	2040-3620-01-8	601-5023990	692.67	
DUKE ENERGY	143036	12/29/06	6040-3620-01-0	601-5023990	77.34	
DUKE ENERGY	143036	12/29/06	3930-3276-01-0	651-5023990	119.45	
						1,153.77
JOSE'S MASONARY	143037	12/29/06	DEPOSIT REFUND	602-5023990	40.00	
						40.00
R L TURNER CORPORATION	143038	12/29/06	DEPOSIT REFUND	602-5023990	40.00	
						40.00
ROESE CONTRACTING CO INC	143039	12/29/06	REFUND	602-5023990	100.00	
						100.00
SPRINT	143040	12/29/06	0006892661-4	1701-4344100	24.97	
						24.97
BOWMAN, HEINTZ, BOSCIA &	143041	01/03/07	DED:150 GARN	101-2309	265.48	
						265.48
CINCINNATI LIFE	143042	01/03/07	DED:350 LIFE	101-2331	253.21	
						253.21
CITY OF CARMEL	143043	01/03/07	DED:301 LINCOLN	101-2329	16,615.45	
CITY OF CARMEL	143043	01/03/07	DED:301 LINCOLN	101-2329	-55.00	
CITY OF CARMEL	143043	01/03/07	DED:301 LINCOLN	101-2329	55.00	
						16,615.45
CITY OF CARMEL	143044	01/03/07	DED:358 UNION DUES	101-2342	3,214.88	
CITY OF CARMEL	143044	01/03/07	DED:359 UNION DUES	101-2342	60.38	
						3,275.26
CITY OF CARMEL	143045	01/03/07	DED:357 FOP DUES	101-2343	474.15	
						474.15
CITY OF CARMEL	143046	01/03/07	DED:356 FOP PAC	101-2346	166.00	
						166.00
CITY OF CARMEL - PAYROLL	143047	01/03/07	DED:300 NATIONWIDE	101-2327	30.00	
CITY OF CARMEL - PAYROLL	143047	01/03/07	DED:300 NATIONWIDE	101-2327	49,718.99	
CITY OF CARMEL - PAYROLL	143047	01/03/07	DED:300 NATIONWIDE	101-2327	-30.00	
						49,718.99
CITY OF CARMEL - PAYROLL	143048	01/03/07	STATE & COUNTY TAXES DUE	101-2355	10,037.31	
CITY OF CARMEL - PAYROLL	143048	01/03/07	DED:*SIN ST TAXES	101-2355	38,778.63	
						48,815.94
CITY OF CARMEL-CHILD SUPP	143049	01/03/07	DED:107 SUPPORT	101-2303	430.00	
CITY OF CARMEL-CHILD SUPP	143049	01/03/07	DED:105 SUPPORT	101-2303	90.00	
CITY OF CARMEL-CHILD SUPP	143049	01/03/07	DED:108 CHILD SUPP	101-2303	118.16	
CITY OF CARMEL-CHILD SUPP	143049	01/03/07	DED:102 SUPPORT	101-2303	1,693.47	
CITY OF CARMEL-CHILD SUPP	143049	01/03/07	DED:109 CHILD SUPP	101-2303	254.00	
CITY OF CARMEL-CHILD SUPP	143049	01/03/07	DED:111 SUPPORT	101-2303	100.00	
CITY OF CARMEL-CHILD SUPP	143049	01/03/07	DED:101 SUPPORT	101-2303	7,057.08	
						9,742.71
CITY OF CARMEL-PAYROLL AC	143050	01/03/07	DED:*FT FED TAXES	101-2350	129,292.70	
CITY OF CARMEL-PAYROLL AC	143050	01/03/07	DED:*FI FICA TAXES	101-2350	115,118.12	
CITY OF CARMEL-PAYROLL AC	143050	01/03/07	DED:*FM MED TAXES	101-2350	32,511.44	
CITY OF CARMEL-PAYROLL AC	143050	01/03/07	DED:*FT FED TAXES	101-2353	18,729.25	
						295,651.51
CITY OF CARMEL-VALIC DEFE	143051	01/03/07	DED:307 VALIC-1408	101-2332	1,704.99	
CITY OF CARMEL-VALIC DEFE	143051	01/03/07	DED:306 VALIC-1408	101-2332	374.21	

PAGE 4

VENDOR NAME	CHECK NO	DATE	DESCRIPTION	KEY ORGAN-ACCOUNT P.O.	INVOICE AMT	CHECK AMT
CITY OF CARMEL-VALIC DEFE	143051	01/03/07	DED:303 ING	101-2332	8,079.01	
CITY OF CARMEL-VALIC DEFE	143051	01/03/07	DED:302 VALIC	101-2332	26,247.05	
SUSAN COY	143052	01/03/07	DED:104 SUPPORT	101-2304	350.00	36,405.26
FEDERAL RESERVE	143053	01/03/07	DED:355 SAV BONDS	101-2341	100.00	350.00
HARTFORD LIFE & ACCIDENT	143054	01/03/07	DED:351 AD&D	101-2333	54.36	100.00
MARION CTY SMALL CLAIMS C	143055	01/03/07	DED:153 GARN	101-2310	100.00	54.36
MIKAR INC	143056	01/03/07	REIS CK 142563	1110-4351000	44.99	100.00
NATIONWIDE RETIREMENT SOL	143057	01/03/07	DED:311 NTNWD-CPD	101-2326	9,452.14	44.99
NATIONWIDE RETIREMENT SOL	143057	01/03/07	DED:310 NTNWD-CPD	101-2326	1,595.83	
OCS PC	143058	01/03/07	DED:110 CHILD SUP	101-2316	146.88	11,047.97
POLICE & FIRE INSURANCE	143059	01/03/07	DED:353 P&F INS	101-2337	2,068.16	146.88
SILLY SAFARI SHOWS, INC	143060	01/03/07	OTHER EXPENSES	851-5023990	2,450.00	2,068.16
SILLY SAFARI SHOWS, INC	143060	01/03/07	OTHER MISCELLANOUS	902-4239099	1,750.00	
TRANSAMERICA LIFE	143061	01/03/07	DED:354 TA LIFE	101-2339	216.48	4,200.00
UNITED WAY OF CENTRAL IND	143062	01/03/07	DED:352 UNITED WAY	101-2336	57.00	216.48
UNUM LIFE INSURANCE CO OF	143063	01/03/07	DED:203 LTD	101-2347	1,961.15	57.00
UNUM LIFE INSURANCE CO OF	143064	01/03/07	DED:202 STD	101-2348	3,482.14	1,961.15
UNUM LIFE INSURANCE CO OF	143064	01/03/07	DED:204 LIFE INS.	101-2348	55.80	
UNUM LIFE INSURANCE CO OF	143064	01/03/07	DED:205 LIFE INS.	101-2348	3,205.40	6,743.34
CARMEL CITY CENTER LLC	143028	12/27/06	RETAIL SITE #5	902-4460805	861,700.45	861,700.45

01/03/07

ACCOUNTS PAYABLE - CITY OF CARMEL

PAGE 5

VENDOR NAME	CHECK NO	DATE	DESCRIPTION	KEY ORGAN-ACCOUNT P.O.	INVOICE AMT	CHECK AMT
					TOTAL HAND WRITTEN CHECKS	-8.07
					TOTAL COMPUTER-WRITTEN CHECKS	1,797,525.15
TOTAL WRITTEN CHECKS			1,797,517.08			

I HEREBY CERTIFY THAT EACH OF THE ABOVE LISTED VOUCHERS AND INVOICES OR BILLS ATTACHED THERETO, ARE TRUE AND CORRECT AND I HAVE AUDITED SAME IN ACCORDANCE WITH IC 5-11-10-1.6.

CLERK TREASURER

WE HAVE EXAMINED THE CLAIMS LISTED ON THE FOREGOING ACCOUNTS PAYABLE VOUCHER REGISTER, CONSISTING OF 5 PAGES, AND EXCEPT FOR VOUCHERS NOT ALLOWED AS SHOWN ON THE REGISTER, SUCH VOUCHERS ARE ALLOWED IN THE TOTAL AMOUNT OF 1,797,517.08 DATED THIS _____ DAY OF _____, PASSED BY THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA BY A VOTE OF _____ AYES AND _____ NAYS.

PRESIDING OFFICER

COUNCIL PRESIDENT

ATTEST:

01/03/07

ACCOUNTS PAYABLE - CITY OF CARMEL

VENDOR NAME	CHECK NO	DATE	DESCRIPTION	KEY ORGAN-ACCOUNT P.O.	INVOICE AMT	CHECK AMT
-------------	----------	------	-------------	------------------------	-------------	-----------

<hr/> CLERK-TREASURER						
-----------------------	--	--	--	--	--	--

Sponsor: Councilor Mark Rattermann

ORDINANCE Z-501-07

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF CARMEL, INDIANA
ESTABLISHING
THE LEGACY
PLANNED UNIT DEVELOPMENT DISTRICT**

WHEREAS, Section 31.6.4 of the Carmel/Clay Zoning Ordinance Z-289 (the “Zoning Ordinance”), provides for the establishment of a Planned Unit Development District in accordance with the requirements of I.C. § 36-7-4-1500 et seq.; and

WHEREAS, the Plan Commission has given a positive recommendation to this PUD district ordinance (the “Legacy Ordinance”) which establishes the Legacy Planned Unit Development District (the “Legacy District”) with respect to the real estate legally described in what is attached hereto and incorporated herein by reference as Exhibit 1 (the “Real Estate”)

NOW, THEREFORE, BE IT ORDAINED by the Council, that (i) pursuant to IC §36-7-4-1500 *et seq.*, it adopts this Legacy Ordinance, as an amendment to the Zone Map, (ii) all prior ordinances or parts thereof inconsistent with any provision of this Legacy Ordinance and its exhibits are hereby inapplicable to the use and development of the Real Estate, (iii) all prior commitments and restrictions applicable to the Real Estate shall be null and void and replaced and superseded by this Legacy Ordinance, and (iv) this Legacy Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Section 1. Applicability of Ordinance.

Section 1.1 The Zone Map is hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the Legacy District.

Section 1.2 Development in the Legacy District shall be governed entirely by (i) the provisions of this Legacy Ordinance and its exhibits, and (ii) those provisions of the Zoning Ordinance specifically referenced in this Legacy Ordinance. In the event of a conflict or inconsistency between this Legacy Ordinance and the Zoning Ordinance, the provisions of this Legacy Ordinance shall apply.

Section 1.3 Any capitalized term not defined in Section 2 of this Legacy PUD shall have the meaning as set forth in the Zoning Ordinance in effect on the date of the enactment of this Legacy Ordinance.

1
2 **Section 2. Definitions and Rules of Construction.**
3

4 Section 2.1 General Rules of Construction. The following general rules of
5 construction and definitions shall apply to the regulations of this Legacy Ordinance:
6

- 7 A. The singular number includes the plural and the plural the singular, unless
8 the context clearly indicates the contrary.
9
10 B. Words used in the present tense include the past and future tenses, and the
11 future the present.
12
13 C. The word “shall” is a mandatory requirement. The word “may” is a
14 permissive requirement.
15

16 Section 2.2 Definitions. The following definitions shall apply throughout this Legacy
17 Ordinance:
18

19 Accessory Dwelling. A Dwelling which is detached from but located on the same
20 lot as a Detached Dwelling, has an independent means of access and is owned by
21 the owner of the principal dwelling.
22

23 Accessory Retail: Supporting retail which acts as a convenience for office uses.
24 Accessory retail must be integrated into buildings or sites that are of primarily
25 office use.
26

27 Accessory Structure: A structure which is subordinate to a Building or use
28 located on the Real Estate and which is not used for permanent human occupancy.
29

30 Accessory Use: A use subordinate to the main use, located on the real estate or in
31 the same Building as the main use, and incidental to the main use.
32

33 Aggregate Side Yard: The sum of the widths of the two (2) side yards located on
34 one (1) lot.
35

36 Alley: A private right-of-way or easement located in the interior of blocks and
37 providing vehicular and service access to the side or rear of properties.
38

39 Amenity Area: An area containing recreational facilities including, without
40 limitation, any one or a combination of the following: (i) a swimming pool, (ii) a
41 bath house with changing rooms and storage, (iii) recreational equipment, (iv)
42 tennis courts, (v) basketball courts, (vi) bocce ball courts, (vii) indoor and/or
43 outdoor workout areas, and (viii) any other recreational facilities approved by the
44 Director.
45

46 Apartment. A Dwelling intended primarily for rental.

1
2 Apartment House. A building containing more than one (1) Apartment placed
3 one on top of another and/or side by side, and sharing common walls and
4 common floors and ceilings.
5

6 Architectural Review Board. A board, established by the Declaration(s) of
7 Covenants, responsible for reviewing all improvements after the initial, original
8 construction of Buildings, Dwellings, and other improvements.
9

10 Attached Dwelling. Dwellings which are attached vertically or horizontally,
11 including Townhomes, flats, duplex, triplex, or quadruplex dwellings. Attached
12 Dwellings may be sold as condominiums or as individually deeded lots.
13 Apartments shall not be within the definition of Attached Dwellings and, as such,
14 all references in this Legacy Ordinance to Attached Dwellings shall exclude
15 Apartments.
16

17 Block(s): Any one or any combination of (i) the Suburban Residential Use Block,
18 (ii) the Neighborhood Residential Use Block, (iii) the Urban Residential Use
19 Block(s), (iv) the Primary Office Use Block, (v) the Village Core Use Block, (vi)
20 the Corner Use Block, and/or (vii) the Open Space Use Block(s). The size of
21 each and every Block may be enlarged or reduced by up to twenty percent (20%);
22 provided, however, that the Maximum Unit Limitations specified in Section 17
23 below shall remain unaffected.
24

25 Building: A structure having a roof supported by columns and walls, for the
26 shelter, support, enclosure or protection of persons, animals, chattel, or property.
27 Separate but attached units within a Building, separated by party walls, shall be
28 considered part of the same Building and not separate Buildings.
29

30 Building Height: The vertical distance from the lot ground level to the highest
31 point of the roof for a flat roof, to the deck line of a mansard roof and to the mean
32 height between eaves and ridges for gable, hip, and gambrel roofs.
33

34 BZA: The City's Board of Zoning Appeals
35

36 Commercial Building: Any Building, other than a CCRC Multi-Unit Building, in
37 which any commercial office or retail use exists, other than (i) a sales/rental office
38 for the sales and/or rental of Dwellings located in the Building in which the
39 sales/rental office exists and (ii) a home occupation.
40

41 Continuing Care: The provision of lodging, nursing, medical or other health
42 related services to an individual pursuant to an agreement effective for the life of
43 the individual or for a period greater than one year, evidenced by written
44 contracts, and in consideration for the payment of an entrance fee, with or without
45 other periodic charges.
46

1 Continuing Care Retirement Community: A place where continuing care is
2 provided to senior citizens and which may include support services and facilities,
3 including without limitation, (i) indoor recreation (including swimming pool,
4 solarium and lounges), (ii) physical therapy, (iii) entertainment rooms, (iv)
5 exercise rooms, (v) libraries, (vi) computer rooms, (vii) kitchen, food service, and
6 dining rooms, (viii) automatic teller machines, (ix) administrative offices, (x)
7 storage spaces, (xi) chapels, (xii) gift shops, (xiii) hair stylist/barber shops, and
8 (xiv) assisted living and/or nursing beds.
9

10 CCRC: An abbreviation for a Continuing Care Retirement Community
11

12 CCRC Cottage: A Detached Dwelling or an Attached Dwelling occupied by one
13 or more CCRC resident(s) which is part of the CCRC but is not part of the CCRC
14 Multi-Unit Building.
15

16 CCRC Multi-Unit Building: The primary CCRC Building containing multiple
17 apartment-style Attached Dwellings occupied by CCRC residents. A CCRC
18 Multi-Unit Building may also contain support services and facilities specified in
19 the above definition of a Continuing Care Retirement Community.
20

21 CCRC Resident: A senior citizen who is entitled by contract to receive
22 continuing care in a Continuing Care Retirement Community.
23

24 City: The City of Carmel, Indiana.
25

26 Commission: The Carmel Plan Commission.
27

28 Concept Plan: The Concept Plan attached hereto and incorporated herein by
29 reference as Exhibit 2 is conceptual and preliminary, only, and the final site
30 plan(s) may vary.
31

32 Controlling Developer: Shall mean East Carmel, LLC, until such time as East
33 Carmel, LLC transfers or assigns, in writing, its rights as Controlling Developer.
34 Such Rights may be transferred by the Controlling Developer, in its sole
35 discretion, in whole or in part. To transfer all or any portion of its rights as
36 Controlling Developer, East Carmel, LLC may (i) name each individual owner of
37 parcels within the Real Estate as Controlling Developer solely with respect to
38 such parcels owned by each such individual owner, (ii) establish a committee of
39 individual owners of the Real Estate within the Real Estate to act as Controlling
40 Developer with respect to such parcels owned by all such owners, or (iii) use
41 either method described in (i) and (ii) above with respect to different portions of
42 the Real Estate.
43

44 Corner Use Block: What is identified on the Concept Plan as the “Corner Use
45 Block”.
46

1 Council: The City Council of the City of Carmel, Indiana.

2
3 County: Hamilton County, Indiana.

4
5 Declaration(s) of Covenants: Declaration(s) of Covenants, Conditions and
6 Restrictions applicable to the Real Estate, or any portion thereof, which shall be
7 prepared and recorded by the Controlling Developer in the office of the Recorder
8 of Hamilton County, Indiana, and which may, from time to time, be amended.

9
10 Department. The Department of Community Services of the City of Carmel,
11 Indiana.

12
13 Detached Dwelling. A Dwelling that is not attached to another Dwelling and is
14 developed with no party-walls and with open yards on at least three sides.
15 Detached Dwellings comprise Larger Detached Dwellings and Smaller Detached
16 Dwellings. The term Detached Dwelling does not include manufactured homes,
17 mobile homes, modular homes or recreational or motor vehicles.

18
19 Development Requirements: Development standards and any requirements
20 specified in this Legacy Ordinance which must be satisfied in connection with the
21 approval of a Final Development Plan.

22
23 Director: Director, or Administrator, of the Department. “Director” and
24 “Administrator” shall include his/her authorized representatives.

25
26 Dwelling: A structure intended for occupancy by a single family. A Dwelling
27 includes a Detached Dwelling, an Attached Dwelling, an Apartment, an
28 Accessory Dwelling, a Loft, and a CCRC Cottage, and an Attached Dwelling
29 within the CCRC Multi-Unit Building.

30
31 Environmental Open Space: Open space which contains natural systems
32 (including manmade systems) that function to preserve the natural integrity of the
33 Legacy District. Such spaces include existing woodlands, bio-swales, restored
34 prairies, and naturalized detention ponds.

35
36 Final Development Plan: A specific plan for the development of the Real Estate,
37 or any portion thereof, which is submitted for approval showing proposed
38 facilities, buildings, and structures. Final Development Plans shall include
39 general landscaping, parking, drainage, erosion control, signage, lighting,
40 screening and building information for the site.

41
42 Flood Plain Law: Any and all laws, statutes, ordinances, rules, or regulations
43 governing the use and development of land within flood plains.

1 Larger Detached Dwellings: Dwellings complying with the standards specified
2 in Exhibit 7.

3
4 Loft. One or more rooms which are connected together and located above the 1st
5 floor of any building in the Urban Residential Use Block, Primary Office Use
6 Block, the Village Core Use Block, or the Corner Use Block and which (i) are
7 arranged, designed, used, and intended for use by one or more human beings
8 living together as a family and maintaining a common household for owner
9 occupancy, rental or lease on a weekly, monthly, or longer basis, and (ii) include
10 lawful cooking, eating, sleeping space, and sanitary facilities reserved solely for
11 occupants thereof. All Lofts shall be a minimum of seven hundred fifty (750)
12 square feet.

13
14 Masonry: Brick, stone, cultured stone, stucco, synthetic stucco, and/or EIFS.

15
16 Material Alteration: Any change to an approved plan of any type that involves
17 the substitution of one material, species, element, etc. for another.

18
19 Main Street: The segment of the street, shown on Exhibit 2 (the “Concept
20 Plan”) which extends north to south through the Village Core Use Block and is
21 located within the Village Core Use Block.

22
23 Minor Alteration: Any change to an approved plan of any type that involves the
24 revision of less than ten percent (10%) of the plan’s total area or approved
25 materials and can not include a decrease in the minimum open space or amenities,
26 elimination of required plantings, or an increase in the Maximum Unit Limitation
27 specified in Section 17 below.

28
29 Multi-Purpose Paths: A trail system which functions both as an alternative
30 transportation system and a linear park. This system is the primary pedestrian
31 access to all use areas and activity nodes. Local road sidewalks are not
32 considered part of this system, but do provide key access to network. This system
33 is paved and is similar in function to the Monon Trail and City’s path network.

34
35 Neighborhood Residential Use Block: What is identified on the Concept Plan as
36 the “Neighborhood Residential Use Block”.

37
38 Open Space: Open space shall comprise a parcel or parcels of land, an area of
39 water, or a combination of land and water, including flood plain and wetland
40 areas located within the Real Estate and designated by the Controlling Developer
41 for the use and enjoyment of some or all of the residents of the Legacy District
42 and, where designated by the Controlling Developer or in this Legacy Ordinance,
43 for the use and enjoyment of the community at large. Except as otherwise
44 provided herein, open space does not include any area which is divided into
45 building lots, streets (except the landscaped medians of boulevards) or rights of
46 way (except tree lawns). The area of parking facilities serving the activities in the

1 open space and paths or sidewalks located therein may be included in the required
2 area computations.

3
4 Open Space Use Block: What is identified on the Concept Plan as “Open Space
5 Use Block”.

6
7 Owners Association(s): Owners Association(s) established by the Declaration(s)
8 of Covenants.

9
10 Parcel Coverage: The total ground area covered by buildings and accessory
11 structures which are greater than eighteen (18) inches above grade level,
12 excluding fences and walls not attached in any way to a roof, divided by the total
13 horizontal ground area.

14
15 Perimeter Yard: The required side and rear yards of a project, situated between
16 and extending along the side and rear project boundaries and an interior line
17 paralleling thereto.

18
19 Primary Office Use Block: What is identified on the Concept Plan as the
20 “Primary Office Use Block”.

21
22 Primary Roof: The roof on a Dwelling which has the longest ridge line.

23
24 Real Estate: The Real Estate legally described in Exhibit 1.

25
26 Recreational Open Space: Open Space that has been designed and designated for
27 active use. Such spaces include trails, nature viewing areas, plazas, ball fields,
28 accessible bodies of water for active use, dedicated trail networks, and
29 playgrounds.

30
31 River Developable Parcel: A portion of the River Parcel east of and adjacent to
32 River Road, comprising between eleven (11) and fifteen (15) acres, more or less,
33 and not identified on the Concept Plan as “S1 (Carmel Zoning Ordinance)”. The
34 size and configuration of the River Developable Parcel may vary from what is
35 depicted on the Concept Plan.

36
37 River Parcel: That portion of the real estate located east of River Road, including
38 approximately 95.82 acres, legally described in Exhibit 17, and comprising part of
39 the Open Space and the River Developable Parcel.

40
41 Sign: Any type of sign as further defined and regulated by this Legacy Ordinance
42 and the Sign Ordinance for Carmel-Clay Township, Ordinance Z-196, as
43 amended.

44
45 Smaller Detached Dwellings: Dwellings complying with the standards specified
46 in Exhibit 8.

1
2 Subdivision Control Ordinance: Carmel/Clay Subdivision Control Ordinance,
3 No. Z-160, as amended.
4

5 Suburban Residential Use Block: What is identified on the Concept Plan as
6 “Suburban Residential Use Block”.
7

8 Substantial Alteration: Any change to an approved plan of any type that involves
9 the revision of ten percent (10%) or more of the plan’s total area or approved
10 materials.
11

12 Townhome: A single family Attached Dwelling that is attached vertically and
13 provides for individual unit access. Units share party walls, but ownership can
14 include small yards.
15

16 Urban Residential Use Block: What is identified on the Concept Plan as the
17 “Urban Residential use Block”.
18

19 Village Core Use Block: What is identified on the Concept Plan as the “Village
20 Core Use Block”.
21

22 Village Supporting Commercial Use: A small neighborhood serving retail/office
23 use the primary clientele of which lives or works within close proximity of the
24 Legacy District. Each individual Village Supporting Commercial use shall not
25 occupy more than two thousand five hundred (2,500) square feet and must be
26 pedestrian oriented in design and accessibility. All parking shall be
27 accommodated in the rear, sides, and on-street. These uses can be detached, or
28 integrated within a mix of other uses.
29

30 Zone Map: The City’s official Zone Map corresponding to the Zoning Ordinance.
31

32 Zoning Ordinance: Carmel/Clay Zoning Ordinance Z-289, as amended from time
33 to time.
34

35 **Section 3. Accessory Buildings and Uses.** All Accessory Structures and Accessory Uses
36 allowed under the Zoning Ordinance shall be permitted in the Legacy District; provided,
37 however, that any detached accessory building shall have on all sides the same architectural
38 features or shall be architecturally compatible with the principal building(s) with which it is
39 associated.
40

41 **Section 4. Suburban Residential Use Block (s).** This Block is predominantly a suburban
42 setting of Detached Dwellings on larger lots. While this Block is primarily Detached Dwellings,
43 Attached Dwellings are permitted through special use review and approval by the BZA, and the
44 standards and character illustrations for Attached Dwellings in Exhibit 9 shall apply to all
45 Attached Dwellings approved by the BZA in Suburban Residential Use Block. No more than 4

Attached Dwellings shall be permitted per Building. Home-based business is permitted per the Zoning Ordinance.

Section 4.1 Permitted Uses are specified in the Exhibit 14 (Use Table).

Section 4.2 The applicable development and architectural standards are specified in Exhibit 7 (Larger Detached Dwellings) and Exhibit 9 (Attached Dwellings).

Section 4.3 The applicable character illustrations, indicating conceptually the intended architecture and appearance of Dwellings, are contained within Exhibit 7 (Larger Detached Dwellings) and Exhibit 9 (Attached Dwellings).

Section 5. Neighborhood Residential Block(s). This Block contains a mix of Detached Dwellings and Attached Dwellings. No more than 10 Dwellings attached vertically (i.e. Townhomes) shall be permitted per Building, and no more than 16 Dwellings attached horizontally (i.e. flats) shall be permitted per Building; provided, however, that subject to the Maximum Unit Limitations specified in Section 17 below, there shall be no limit on the number of CCRC Dwellings allowed in the CCRC Multi-Unit Building located wholly or partially within this Block. Home-based business is permitted as per the Zoning Ordinance.

Section 5.1 Permitted Uses are specified in the Exhibit 14 (Use Table).

Section 5.2 The applicable development and architectural standards are specified in Exhibit 7 (Larger Detached Dwellings), Exhibit 8 (Smaller Detached Dwellings), Exhibit 9 (Attached Dwellings), and Exhibit 12 (CCRC).

Section 5.3 The character illustrations, indicating conceptually the intended architecture and appearance of Dwellings, are contained within Exhibit 7 (Larger Detached Dwellings), Exhibit 8 (Smaller Detached Dwellings), Exhibit 9 (Attached Dwellings), and Exhibit 12 (CCRC).

Section 6. Urban Residential Use Block. This Block is a village setting of predominately Attached Dwellings and Apartments. No more than ten (10) Dwellings attached vertically (i.e. Townhomes) shall be permitted per Building, and no more than 16 Dwellings attached horizontally (i.e. flats) shall be permitted per Building; provided, however, that subject to the applicable Maximum Unit Limitations specified in Section 17 below, there shall be no limitations on (i) the number of Apartments per Apartment House and (ii) the number of CCRC Dwelling Units within the CCRC Multi-Unit Building located wholly or partially within this Block. While this Block is primarily residential in nature, Village Supporting Commercial Uses are permitted through special use review and approval by the BZA, and the standards and character illustrations in Exhibit 10 (Commercial Buildings) shall apply to any Village Supporting Commercial Uses located within this Block.

Section 6.1 Permitted Uses are specified in the Exhibit 14 (Use Table).

Section 6.2 The applicable development and architectural standards are specified in

Exhibit 8 (Smaller Detached Dwellings) and in Exhibit 9 (Attached Dwellings and Apartments), Exhibit 10 (Commercial Buildings), and Exhibit 12 (CCRC).

Section 6.3 The applicable character illustrations, indicating conceptually the intended architecture and appearance of Buildings and Dwellings, are in Exhibit 8 (Smaller Detached Dwellings), Exhibit 9 (Attached Dwellings and Apartments), Exhibit 10 (Commercial Buildings), and Exhibit 12 (CCRC).

Section 7. Primary Office Use Block. This Block serves primarily office uses. This Block serves as a transitional area to the adjacent Urban Residential Use Block, and permits a limited amount of residential and retail. Dwellings in this Block may be incorporated into commercial structures as Lofts. All retail must be Accessory Retail, and no more than twenty percent (20%) of all non-residential square footage of the Primary Office Use Block may be occupied by Accessory Retail uses. All such Accessory Retail shall comply with the standards and character exhibits in Exhibit 10 (Commercial Buildings).

Section 7.1 Permitted Uses, are specified in Exhibit 14 (Use table).

Section 7.2 The applicable development and architectural standards are specified in Exhibit 10 (Commercial Buildings) and Exhibit 12 (CCRC).

Section 7.3 The applicable character illustrations, indicating conceptually the intended architecture and appearance of Buildings, are contained within Exhibit 10 (Commercial Buildings) and Exhibit 12 (CCRC).

Section 7.4 All Buildings within this Block, other than Accessory Structures, shall have a minimum of two (2) occupiable floors.

Section 8. Village Core Use Block. The Village Core Use Block is the most intense activity node of the Legacy District. This Block comprises single story and multi-story buildings with a full mix of uses. The Village Core Use Block is primarily retail use on first floors of buildings along and adjacent to Main Street, and Lofts can be found on upper levels. No more than ten (10) Dwellings attached vertically (i.e. Townhomes) shall be permitted per Building, and no more than sixteen (16) Dwellings attached horizontally (i.e. flats) shall be permitted per Building; provided, however, that subject to the applicable Maximum unit Limitations specified to Section 17 below, there shall be no limitations on (i) the number of Apartments per Apartment House and (ii) the number of CCRC Dwelling Units within the CCRC Multi-Unit Building located wholly or partially within this Block. This Block shall be kept generally within its boundaries identified on the Concept Plan, and shall not be extended further east or west on 146th Street than as shown on the Concept Plan.

Section 8.1 The Permitted uses are specified in Exhibit 14 (Use Table).

Section 8.2 The applicable development and architectural standards are in Exhibit 10 (Commercial Buildings) Exhibit 8 (Smaller Detached Dwellings), Exhibit 9 (Attached Dwellings and Apartments), and Exhibit 12 (CCRC).

1
2 Section 8.3 The applicable character illustrations, indicating conceptually the
3 architecture and appearance of buildings, are contained in Exhibit 10 (Commercial
4 Buildings), Exhibit 8 (Smaller Detached Buildings), Exhibit 9 (Attached Dwellings and
5 Apartments), and Exhibit 12 (CCRC).
6

7 Section 8.4 A plaza shall be located on Main Street, in the general vicinity of the red
8 asterisk shown on the Open Space Plan. This area shall comprise a minimum of four
9 thousand (4,000) square feet, and shall be a central gathering place for performances,
10 festivals, and other outdoor events. The plaza will be distinguished by hardscaping,
11 central landscaping, and a fountain.
12

13 Section 8.5 Within the rectangular area, which extends one hundred (100) feet south
14 from 146th Street, along the center line of Main Street, and which is one hundred (100)
15 feet in width on either side (east and west) of the centerline of Main Street (such
16 rectangular area being referred to as the “Core Area”), all Buildings shall have a
17 minimum of two (2) occupiable floors. Along Main Street south of the Core Area in the
18 Village Core Use Block, Buildings flanking Main Street may vary between multiple
19 stories and one (1) story, so long as (i) no continuous stretch of one (1) story Buildings
20 exceeds thirty (30) percent of the length of the segment of Main Street within the Village
21 Core Use Block and (ii) the total lineal feet of the front of all one (1) story buildings
22 flanking Main Street is less than fifty (50) percent of the length of the segment of Main
23 Street within the Village Core Use Block. Multi-story buildings are encouraged around
24 the plaza described in Section 8.4 above.
25

26 Section 8.6 Buildings located on 146th Street, within one hundred (100) feet east or
27 west of the center line of Main Street, shall have at least two (2) occupiable floors, and
28 Buildings located on 146th Street, more than one hundred (100) feet east or west of the
29 centerline of Main Street, may be only one (1) story in height and may be located on
30 outlots.
31

32 Section 8.7 A rendering, illustrating the intended character of Main Street, is included
33 as Exhibit 18.
34

35 **Section 9. Corner Use Block.** This Block is located on the southwest corner of 146th Street
36 and River Road. No more than ten (10) Dwellings attached vertically (i.e. Townhomes) shall be
37 permitted per Building, no more than 16 Dwellings attached horizontally (i.e. flats) shall be
38 permitted per Building, and there is no limit on the number of Apartments per Apartment House.
39 provided, however, that subject to the applicable Maximum unit Limitations specified to Section
40 17 below, there shall be no limitations on (i) the number of Apartments per Apartment House
41 and (ii) the number of CCRC Dwelling Units within the CCRC Multi-Unit Building located
42 wholly or partially within this Block.
43

44 Section 9.1 Permitted Uses are specified in Exhibit 14 (Use Table).
45

1 Section 9.2 The applicable development and architectural standards are specified in
2 Exhibit 10 (Commercial Buildings) and Exhibit 9 (Attached Dwellings and Apartments)
3 and Exhibit 12 (CCRC).
4

5 Section 9.3 The applicable character illustrations, indicating conceptually the intended
6 architecture and appearance of Buildings, are contained in Exhibit 11 (Corner Use Block
7 Commercial), Exhibit 9 (Attached Dwellings and Apartments), and Exhibit 12 (CCRC).
8

9 **Section 10. Continuing Care Retirement Community.** The CCRC can be located anywhere
10 within the Legacy District, other than in the Suburban Residential Use Block; provided,
11 however, that no portion of the CCRC site may occupy more than 25% of the Village Core Use
12 Block.
13

14 Section 10.1 Permitted Uses are specified in the definition, in Section 2.2 above, of a
15 Continuing Care Retirement Community, and also in the Exhibit 14 (Use Table).
16

17 Section 10.2 The applicable development and architectural standards (i) for the CCRC
18 Multi-Unit Building are specified in Exhibit 12 (CCRC), (ii) and for the CCRC Cottages
19 are specified in Exhibit 8 (Smaller Detached Dwellings) and Exhibit 9 (Attached
20 Dwellings and Apartments).
21

22 Section 10.3 The applicable character illustrations, indicating conceptually the intended
23 architecture and appearance of (i) CCRC Multi-Unit Building are in Exhibit 12 and (ii)
24 the CCRC Cottages are in Exhibit 8 (Smaller Detached Dwellings) and (iii) Exhibit 9
25 (Attached Dwellings and Apartments).
26

27 Section 10.4 The CCRC site can range in size from 10 acres to 35 acres.
28

29 **Section 11. Open Space Use Block.** The Open Space Use Block is identified as the Concept
30 Plan. Within this Block, the following provisions apply:
31

32 Section 11.1 Open Space can be developed as Environmental Open Space, Recreational
33 Open Space, or a combination of both; provided, however, that any development of the
34 Open Space Block east of River Road shall include ball fields and shall be limited to
35 Recreational Open Space available for use by (i) the community at large and the general
36 public, and/or (ii) not-for-profit organizations, such as the Carmel Dad's Club, for youth
37 sports programs. There shall be accessible and usable open space with a 5 minute walk
38 (1/4 mile) from all Dwellings within the Legacy District.
39

40 Section 11.2 Not less than forty (40) percent of the Real Estate shall be allocated to and
41 shall remain in open space in perpetuity.
42

43 Section 11.3 The Developer may make improvements, such as the construction of an
44 amenity building, cutting of trails as depicted in Exhibit 3 (Bicycle and Pedestrian Plan),
45 the provision for picnic areas, removal of dead or diseased trees, thinning of trees or other
46 vegetation to encourage more desirable growth, and grading and seeding.

1
2 Section 11.4 Recreational buildings, structures, and improvements, such as pools,
3 clubhouses, picnic structures, ball fields, tennis courts, and playground equipment, not
4 prohibited by Flood Plain Laws, may be constructed in the Open Space Use Block.
5

6 Section 11.5 Storm water quality/quantity treatment may be constructed in the Open
7 Space Use Block and within the public rights-of-way.
8

9 Section 11.6 Trails shall be provided, where feasible, to link open space areas.
10 Sidewalks shall be a minimum of five (5) feet, pedestrian trails shall be a minimum of six
11 (6) feet wide, and Multi-Purpose Paths shall be a minimum of ten (10) feet wide.
12

13 Section 11.7 Bioswales and Open Space Character Illustrations are included in Exhibit
14 13. Only those segments of Bioswales which are at least twenty (20) feet in width shall
15 qualify as Open Space.
16

17 Section 11.8 Within this Block, approximately in the area indicated on the Open Space
18 Plan by a blue asterisk, an Amenity Area shall be developed. This Amenity Area shall
19 include one outdoor pool of a minimum size of one thousand eight hundred (1,800)
20 square feet, and shall also include a minimum of two (2) of the following selected by the
21 Controlling Developer:
22

- 23 A. A wading pool of at least two hundred (200) square feet;
- 24
- 25 B. A bath house with changing rooms and storage;
- 26
- 27 C. A playground with commercial grade play equipment;
- 28
- 29 D. One (1) lighted tennis court;
- 30
- 31 E. Two (2) half basketball courts;
- 32
- 33 F. Bocce ball courts;
- 34
- 35 G. An indoor workout area at least 1200 feet in size; and
- 36
- 37 H. Other amenities which are approved by the Director.
38

39 Section 11.9 Exhibit 4 conceptually illustrates areas of Open Space, and Exhibit 3
40 conceptually illustrates Multi-Purpose Paths, sidewalks and other pedestrian paths.
41
42
43

44 **Section 12. Environmental Systems, Drainage and Streets and Streetscapes**
45

1 Section 12.1 Low Impact Development (LID) techniques shall be permitted as an
2 environmental system to help attain water quality standards in conjunction with
3 development of the storm water conveyance plan for the Legacy District. Examples of
4 permitted systems include the use of bioswales, bioretention, rain gardens and/or
5 permeable pavers. The conceptual drainage ways for the Legacy District are
6 approximated on the Exhibit 5 (Environmental Systems Plan).
7

8 Section 12.2 Subject to approval by County Surveyor's Office, filling shall be allowed
9 within the floodplain areas (mapped Zone AE) of the Legacy District which are located
10 west of River Road and which have been isolated by previously approved developments
11 north of 146th Street.
12

13 Section 12.3 With respect to floodplain areas (mapped Zone AE) of the Legacy District
14 other than those described in 12.2 above, and subject to approval by County Surveyor's
15 Office, filling shall be allowed, provided that mitigated floodplain storage is provided at a
16 ratio of three (3) to one (1).
17

18 Section 12.4 Subject to approval by County Surveyor's Office, stormwater detained,
19 conveyed and/or stored within flood plain areas (mapped Zone AE) in the Legacy District
20 shall be exempted from discharge limits outlined in the City's Stormwater Technical
21 Standards Manual, provided that the net amount of existing floodplain storage in this area
22 is increased by an amount equal to or greater than the difference between the increase in
23 post-development total runoff volume and the pre-development contributing watershed.
24

25 Section 12.5 The drainage design for the Legacy District shall accommodate detention
26 volume for the fully developed site and for 50% of the fully developed thoroughfare plan
27 right-of-way for perimeter road frontages.
28

29 Section 12.6 The street layout (including rights-of-way, pavement widths, and design)
30 within the Legacy District shall be approximately as conceptually indicated on the
31 Exhibit 6 (Streets), adapted as appropriate to the topography, unique natural features, and
32 environmental constraints of the Legacy District; provided, however, that new curb and
33 median cuts to 146th Street, allowing the described layout, will require approval from the
34 County Highway Department, and may cause the described layout to change.
35

36 Section 12.7 Alleys shall be permitted based on the following standards:
37

- 38 A. An Alley shall be a perpetual easement or private way and shall not be
39 dedicated to the public.
40
41 B. Curbing is not required except at corners of intersections with other street
42 types. At such corner locations, curbing shall be required for the corner
43 radius ending at the intersection point of the radius and the path or
44 sidewalk paralleling the intersecting street. A concrete apron may serve as
45 point of termination for the curb.
46

1 C. Permeable Pavers may be used for pavement section of Alleys.

2
3 D. Utilities may be located within Alleys.

4
5 Section 12.8 All streets (excluding Alleys) within the Legacy District which are to be
6 dedicated for public use and accepted for maintenance by the City shall be constructed to
7 the standards of the City as applicable at the time of the enactment of this Legacy
8 Ordinance, for depth, materials, dimensions, and radii, unless specified otherwise in
9 Exhibit 6 or other parts of this Legacy Ordinance.

10
11 Section 12.9 With the approval of the Commission, streets within the Legacy District
12 may be private; provided, however, that the frontage road along 146th Street may, at the
13 Controlling Developer's election and discretion, be either a public street or a private
14 street.

15
16 Section 12.10 Exhibit 6 also contains illustrations of streets to be constructed within the
17 Legacy District.

18
19 Section 12.11 A conceptual rendering of the 146th Street frontage road view corridor,
20 adjacent to the Primary Office Use Block and Village Core Use Block, is included as
21 Exhibit 18. The street section of the frontage road along 146th Street is included in
22 Exhibit 6.

23
24 **Section 13. Landscaping Requirements.** The landscaping in the Legacy District shall be
25 designed to compliment the architecture of the Dwellings and Commercial Buildings. Street
26 trees, streetscape plantings, and buffer areas shall be used to bring natural elements to the design
27 pattern, in consultation with the City's Urban Forester.

28
29 Section 13.1. General Landscaping Standards. Landscaping shall be integrated with
30 other functional and ornamental site design elements, where appropriate, such as
31 hardscape materials, paths, sidewalks, fencing, or any water features.

32
33 A. Plantings along Buildings and streets should be designed with repetition,
34 structured patterns, and complementary textures and colors, and should
35 reinforce the overall character of the area. Alternate or pervious paving
36 material may be considered, or alternative planting media shall be
37 considered, for the urban areas where planting space is limited by
38 restrictions such as Buildings, asphalt or concrete paving, parking lots, etc.

39
40 B. All trees, shrubs and ground covers shall be planted according to American
41 Standard for Nursery Stock (ANSI Z60.1), and following the standards and
42 best management practices (BMPs) published by the Department's Urban
43 Forestry Section. Landscaping materials shall be appropriate to local
44 growing and climatic conditions. Plant suitability, maintenance and
45 compatibility with site construction features are critical factors that should

1 be considered.

2
3 C. Shade trees shall be at least 2.5 inches in caliper diameter when planted.
4 Ornamental trees shall be at least 1.5 inches caliper diameter when planted.
5 Evergreen trees shall be 6 feet in height when planted. Shrubs shall be at
6 least 18 inches in height when planted. Ornamental grasses shall obtain a
7 mature height of at least 3 feet.

8
9 D. The Controlling Developer shall conserve existing established trees
10 identified on Exhibit 5 (Environmental Systems Plan); provided, however,
11 that said trees may be removed under any of the following circumstances:

12
13 1. As is necessary to clear underbrush and dead trees;

14
15 2. As is necessary for the installation of access easements, right-of-way,
16 streets, paths, sidewalks, utilities and drainage improvements,
17 infrastructure; and

18
19 3. As is necessary for public health and safety as determined in cooperation
20 with the Urban Forester.

21
22 E. Existing vegetation may be used to achieve project landscaping requirements
23 if (a) the vegetation located on subject parcel is of suitable quality and
24 health, and (b) the vegetation is proposed to be preserved using accepted
25 best management practices for tree protection during construction.

26
27 Section 13.2. Perimeter Landscaping. Perimeter landscaping along the property lines
28 shall be provided in the form of (a) fifteen (15) foot greenbelt buffer in which street trees
29 are planted, for portions of the perimeter of the Real Estate abutting 146th Street, (b)
30 street trees for portions of the perimeter abutting other existing public right-of-way or
31 where a public right-of-way is created via a proposed frontage road other than adjacent to
32 146th Street, and (c) landscaping per the requirements of Type “B” Bufferyard (3 shade
33 trees, 3 ornamental trees, and 15 shrubs per 100 linear feet) for portions of the perimeter
34 not abutting a public right-of-way. For portions of the perimeter that abut 146th Street, the
35 required street trees may be grouped to allow view sheds into the Primary Office Use
36 Block, Village Core Use Block, and Corner Use Block, and these requirements may be
37 computed as an average across the total linear footage of frontage. Any street trees used
38 to meet perimeter landscape requirements shall meet all other standards provided in
39 Section 13.3 below. No bufferyards or landscaping internal to the Legacy District shall
40 be required between or within the seven (7) different Blocks of the Legacy District.

41
42 Section 13.3 Street Trees. Medium or large growing shade trees shall be planted
43 within the street right-of-way, parallel to each street, in planting strips or tree wells.
44 Street trees shall be planted a minimum of thirty (30) feet and a maximum of fifty (50)
45 feet on center. In areas of high pedestrian and commercial activity, tree wells shall be
46 covered with decorative grates or pavers in order to maximize uninterrupted pedestrian

1 pathways. Where ample passage area is provided, tree planting areas shall be treated as
2 planting beds to soften the hardscape. Street trees shall not be required along and
3 adjacent to Alleys.
4

5 A. Per City standards, no street trees shall be planted in conflict with drainage
6 or utility easements or structures, underground detention (unless so designed
7 for that purpose), or within traffic vision safety clearances. However, where
8 the logical location of proposed utilities would compromise the desired
9 effect, the Controlling Developer may solicit the aid of the City's Urban
10 Forester in mediating cost-effective solutions.
11

12 B. Street tree species shall be selected from the City's published list of
13 recommended street trees. Street trees shall be pruned to a height of eight
14 (8) feet minimum over sidewalks and twelve (12) feet minimum over
15 streets, to allow free passage along the sidewalk. In commercial and mixed-
16 use areas, street tree types and locations should allow for visibility of
17 businesses and business signage.
18

19 Section 13.4. Building Landscaping Standards Building base landscaping shall be
20 provided at the base of all Building elevations which do not directly abut planted
21 hardscapes, to soften the architectural lines of Buildings, frame the primary views to
22 Buildings and public spaces, and blend architectural designs with the landscape. Building
23 landscaping shall be designed to appropriately complement a Building's use, setback,
24 height, and architectural features. Window boxes for flowers and planters on front stoops
25 and sidewalks are encouraged in areas where landscaping cannot be installed at the base
26 of a Building due to the Building's proximity to a sidewalk, path, street, right-of-way or
27 easement. Building base landscaping may help fulfill bufferyard requirements where
28 applicable.
29

30 A. Within the Suburban Residential Use Block, building base landscaping for
31 each Detached Dwelling shall include a minimum of seven (7) shrubs and/or
32 ornamental grasses. Additionally, 2 shade trees and one ornamental tree
33 shall be planted for every Detached Dwelling. For Attached Dwellings, the
34 standards set forth below in 13.4 (C) shall apply.
35

36 B. Within the Neighborhood Residential Use Block, building base landscaping
37 adjacent to the front elevation of each Detached Dwelling shall include a
38 minimum of five (5) shrubs and/or ornamental grasses. Additionally, one
39 shade tree and one ornamental tree shall be planted for every unit. For
40 Attached Dwellings, the standards set forth below in 13.4 (C) shall apply.
41

42 C. Within the Urban Residential Use Block, building base landscaping adjacent
43 to the front elevation of each Building shall include a minimum of five (5)
44 shrubs and/or ornamental grasses, and one (1) shade tree and one (1)
45 ornamental tree shall be planted for every two (2) Townhomes. For all other
46 Attached Dwellings and Apartments, 3 shade trees, 3 ornamental trees, and

1 twenty-five (25) shrubs shall be planted per 100 linear feet of Building
2 frontage on right-of-way. Detached Dwellings shall have the same standards
3 as those for the Neighborhood Residential Use Block set forth in 13.4(B)
4 above. If the trees in this Block can not be planted between the Building
5 and the sidewalk, then an alternative location may be chosen for planting.
6 Landscaping interior courtyards are encouraged within larger blocks.
7

8 D. Within the Village Core and Primary Office use Block, building base
9 landscaping for each Building shall contain a minimum of two (2) shade
10 trees, one (1) ornamental tree, and nine (9) shrubs per one hundred (100)
11 linear feet of Building frontage on right-of-way. Shrubs, ornamental grasses,
12 or other alternate landscaping techniques may be used to fulfill the Building
13 base landscaping requirements, if approved by the Department. If Building
14 base landscaping cannot be installed due to a Building's proximity to a
15 sidewalk, path, street, right-of-way, or easement then landscaping may be
16 installed elsewhere on the site to fulfill the Building base landscaping
17 requirements. Appropriate alternate locations include, but are not limited to
18 interior courtyards, sidewalks (as additional street trees), parks, plazas,
19 parking lots, alleys, etc. In addition, where facades abut the public right-of-
20 way and/or sidewalks span the entire frontage, planting islands may be
21 created within the right-of-way, and street trees can help fulfill this
22 requirement.
23

24 E. Within the Corner Use Block, building base landscaping for each Building
25 shall contain three (3) shade trees, three (3) ornamental trees, and fifteen
26 (15) shrubs per one hundred (100) linear feet of Building frontage on right-
27 of-way.
28

29 F. Deciduous trees should be planted in locations to the south and west of
30 Building to allow for shade in summer months and greater sun exposure in
31 the winter months. Evergreen trees should be used as windbreaks to buffer
32 northwest winds. In all cases evergreen trees may substitute in lieu of
33 shrubbery, on a 1:3 basis (one conifer equals three shrubs).
34

35 Section 13.5. Parking Lot Plantings. Where parking lots are visible from the public
36 right-of-way, the following requirements will apply:
37

38 A. Lot interior. Minimum of one (1) shade tree per nine (9) parking spaces, with
39 a minimum of four hundred (400) square feet of useable soil volume being
40 provided for each two (2) trees;
41

42 B. Lot Perimeter. A minimum five foot (5') wide perimeter planting strip shall
43 be provided on all sides of a parking lot (except where parking spaces abut
44 curb-to-building sidewalk) including four (4) shade trees and twenty-five (25)
45 shrubs and/or ornamental grasses per one hundred (100) lineal feet of strip.
46 Walls or fences with a minimum height of forty-two inches (42") may be used

1 in lieu of planting. Perimeter planting may occupy the same space as a
2 required bufferyard but may not be counted towards Perimeter Bufferyard
3 Requirements.
4

5 Section 13.6. Maintenance It shall be the responsibility of the owners and their agents
6 to insure proper maintenance of project landscaping in accordance with the Legacy
7 Ordinance and best management practice standards. This is to include, but is not limited
8 to, mowing, tree trimming, planting, maintenance contracting, irrigation and mulching of
9 planting areas, replacing dead, diseased, or overgrown plantings with identical varieties
10 or a suitable substitute, and keeping the area free of refuse, debris, rank vegetation and
11 weeds.
12

13 **Section 14. Lighting.**

14

15 Section 14.1. Commercial Lighting. All site lighting within the Primary Office Use
16 Block, Village Core Use Block, and the Corner Use Block shall comply with the
17 standards of the Carmel Drive - Range Line Road Overlay Zone (Article 23F.12 of the
18 Zoning Ordinance). All fixtures shall be downcast fixtures/90 degree cutoff.
19

20 Section 14.2. Street lights shall be as depicted on Exhibit 15, and consistent throughout
21 the Real Estate.
22

23 Section 14.3. Street lights along all collector streets and within the Primary Office Use
24 Block, Village Core Use Block, and Corner Use Block, shall be provided at regular
25 intervals. Street lighting on residential streets shall be confined to the intersections and
26 corners.
27

28 Section 14.4. Lighting for permitted activities shall be permitted within the Open Space
29 Area.
30

31 Section 14.5. Lighting in the Village Core Use Block, the Primary Office Use Block, the
32 Corner Use Block, and parking lots shall be designed and maintained so that it is reduced
33 to the minimum amount reasonably required for security purposes during the hours that
34 retail establishments are not open for business.
35

36 **Section 15. Signs.**

37

38 Section 15.1. Residential Signs. Unless variances are granted by the BZA, signage
39 for all residential areas shall meet the requirements of Article 25.7 of the Zoning
40 Ordinance. Typical residential signs depicted on Exhibit 16, (Typical Residential Area
41 Signage). Illumination of any such signage shall be from a source external to such
42 signage.
43

44 Section 15.2. Commercial Signs. Unless variances are granted by the BZA, all signage
45 on Commercial Buildings shall meet the requirements of Section 25.7 of the Zoning
46 Ordinance. In addition, unless variances are granted by the BZA, signage for all

Commercial Buildings within the Urban Residential Use Block and the Village Core Use Block shall also comply with the signage provisions of Chapter 23F of the Zoning Ordinance entitled “Carmel Drive – Rangeline Road Overlay”; provided, however, that (i) monument, center identification signs later approved by the Plan Commission in connection with DP/ADLS approvals, shall be permitted on the corners of Main Street and 146th Street, and (ii) ground signs for Buildings on outlots permitted under Section 8.6 above are also allowed.

Section 15.3. Murals. Murals, painted on a wall of a Building, which are artistic in nature and do not contain trademarks, moving parts or lights, shall not constitute a wall sign and are permitted.

Section 16. Parking.

Section 16.1. Parking. The minimum number of parking spaces to be provided shall be computed as follows:

- A. One and one-half (1.5) spaces per Dwelling. The areas within driveways and garages shall count toward this requirement;
- B. Four (4) spaces per one thousand (1,000) square feet of retail floor space; and;
- C. Except as provided in Section 16.1(D) below, the rules set forth in Section 27.01 through 27.04 of the Zoning Ordinance shall apply in computing the number of required parking spaces, and in determining the location and construction thereof;
- D. Off-street parking areas for two (2) or more different uses may be provided collectively as one parking area so long as the total number of spaces provided is not less than the total of the minimum required spaces for each individual use. Combined parking shall be designed and constructed so as to create a desirable, efficient, and well planned off-street parking area with functional and aesthetic value, attractiveness and compatibility with adjacent land uses. Where it is established to the Department’s satisfaction that adjacent buildings have uses that require parking at complementary times of the day or days of the week, the total number of shared parking spaces provided shall be less than the total of the minimum number of spaces required for each individual use. In addition, on-street parking spaces may, if available and adjacent to the lot of the use, be counted as part of the total parking spaces required by this Section 16.1(D); and
- E. Bicycle parking shall be provided in compliance with Section 27.06 of the Zoning Ordinance.

1 Section 16.2. On-Street Parking. Each parking space shall be a minimum of eighteen
2 (18) feet in length.

3
4 Section 16.3. Loading and Service Areas.

- 5
6 A. Loading docks, solid waste facilities, recycling facilities, and other service
7 areas shall be placed to the rear or side of Buildings.
8
9 B. Screening and landscaping shall prevent direct views of the loading areas
10 and their driveways from adjacent properties or from the public right-of-
11 way. Screening and buffering shall be achieved through walls, fences, and
12 landscaping, shall be a minimum of five feet tall, and shall be visually
13 impervious. Recesses in the Building, or depressed access ramps may be
14 used.

15
16
17 **Section 17. Maximum Unit Limitations.**

18
19 Section 17.1 Primary Residential Density. The total number of Detached Dwellings,
20 Attached Dwellings, Apartments, and CCRC Cottages shall not exceed one thousand
21 three hundred forty-four (1,344), may occur in any combination subject only to the
22 limitations in Section 17.1(A) and Section 17.1(B) below, and are referred to in the chart
23 in Section 17.3 below as “Base Units”. With respect to Attached Dwellings and
24 Apartments, the following additional limitations shall apply:

- 25
26 A. Maximum Attached Dwellings. Without the approval of the Plan
27 Commission, there shall be no more than five hundred (500) Attached Dwellings;
28 and
29
30 B. Maximum Apartments. Without the approval of the Plan Commission, there
31 shall be no more than three hundred (300) Apartments.

32
33 Section 17.2. Ancillary Use Limitations. Lofts, Accessory Dwellings, Beds and
34 Breakfasts, and CCRC Dwellings located within CCRC Multi-Unit Building, are (i)
35 permitted within the Legacy District, but are not specifically planned for any particular
36 area of the Legacy District and are less intense and more ancillary in character, (ii) in
37 addition to and not counted toward the one thousand three hundred forty-four (1,344)
38 permitted Detached Dwellings, Attached Dwellings, Apartments, and CCRC Cottages,
39 and (iii) are referred to in the chart in Section 17.3 below as “Ancillary Units.” Without
40 the approval of the Commission, the number of (i) Lofts shall not exceed two hundred
41 (200), (ii) Accessory Dwellings shall not exceed thirty (30), (iii) beds and breakfasts shall
42 not exceed five (5), (iv) bed and breakfast rooms shall not exceed thirty (30), and (v)
43 CCRC Dwellings located within a CCC Multi-Unit Building may not exceed two
44 hundred twenty-five (225).
45

Section 17.3. Chart Summarizing Unit Limitations. The following chart summarizes the text of Section 17.1 and Section 17.2 above:

	With 100% of Base Units and no Ancillary Units	With 100% of Base Units and 100% of Ancillary Units
Base Units (See Section 17.1)	1,344	1,344
Ancillary Units (See Section 17.2):		
- Lofts (0 - 200)	0	200
- Accessory Dwellings (0 - 30)	0	30
- Beds and Breakfasts/Rooms	0	5/30
- CCRC Dwellings within CCRC Multi-Use Building (0 - 225)	0	225
TOTAL POSSIBLE DWELLINGS	1,344	1,829
TOTAL ACREAGE	498	498
DENSITIES	2.70	3.67

Section 18. Homeowners Association and Declaration of Covenants.

Section 18.1. Declaration(s) of Covenants and Owners Association(s). Declarations of Covenant(s) shall be prepared by the Controlling Developer and recorded with the Recorder of Hamilton County, Indiana. There may be multiple Declaration(s) of Covenants applicable to different portions of the Real Estate, and multiple corresponding Owners' Association(s). The Declaration(s) of Covenants shall establish an Architectural Review Board, which shall establish guidelines regarding the design and appearance of dwellings and, with respect to residential colors, shall provide that (i) selected colors must be harmonious with colors used on the Dwelling, such as roofing and brick, and must be harmonious with other colors used in the surrounding neighborhood, (ii) multiple colors are available on the color palette approved by the Architectural Review Board, which, from time to time, may be reviewed and updated.

Section 19. Approval Process.

Section 19.1. Approval or Denial of Plats and Final Development Plan.

- A. With respect to any portion of the Legacy District other than the areas on which lots are developed for Detached Dwellings, the platting into smaller sections shall be permitted, but shall not be required in order to divide the Real Estate into smaller areas for purposes of conveying title.
- B. Primary and secondary platting shall be required with respect to any portion of the Legacy District on which lots are developed for Detached Dwellings. All secondary plats for any portion of the Legacy District shall be approved administratively by the Department, and shall not require a public hearing before the Plan Commission, so long as the proposed

1 secondary plat substantially conforms with the corresponding approved
2 primary plat.
3

4 C. No DP/ADLS approval by the Commission shall be required with respect
5 to Detached Dwellings and their associated Accessory Dwellings,
6 Accessory Structures, landscaping, lighting, and signage, but all other
7 Buildings and associated parking, landscaping, lighting and signage shall
8 require DP/ADLS approval by the Commission.
9

10 D. If there is a Substantial Alteration in the approved DP/ADLS or primary
11 plat, review and approval of the amended plans shall be made by the
12 Commission, or a Committee thereof, pursuant to the Commission's rules
13 of procedure. Minor Alterations and Material Alterations may be
14 approved by the Director.
15

16 E. The Director shall have the sole and exclusive authority to approve
17 without conditions, approve with conditions, or disapprove the Final
18 Development Plans/Secondary Plats (collectively, the "FDP") for Legacy
19 District; provided, however, that the Director shall not unreasonably
20 withhold or delay the Director's approval of the FDP that is in substantial
21 conformance with corresponding approved development plan/primary plat
22 and is in conformance with the Development Requirements of this Legacy
23 Ordinance. If the Director disapproves any FDP, the Director shall set
24 forth in writing the basis for the disapproval and schedule the request for
25 approval of the FDP for a hearing before the full Plan Commission.
26

27 Section 19.2. Modification of Development Requirements.
28

29 A. The Commission may, upon petition of the Controlling Developer, modify
30 any requirements specified in this Legacy Ordinance.
31

32 B. Modification of the Development Requirements, requested by the
33 Construction Developer, may be approved by a hearing examiner or
34 committee designated by the Commission, after a public hearing held in
35 accordance with the Commission's Rules of Procedure. However, any
36 decision of a hearing examiner or committee which denies any requested
37 modification may be appealed by the party requesting approval to the
38 Commission, also in accordance with the Commission's Rules of
39 Procedure.
40

41 C. Any proposed modification of the Development Requirements shall
42 comply with the following guidelines:
43

44 1. The modification shall be in harmony with the purpose and intent
45 of this Legacy Ordinance.
46

- 1 2. The modification shall not have an adverse impact on the physical,
2 visual, or spatial characteristics of the Legacy District.
3
4 3. The modification shall not have an adverse impact on the
5 streetscape and neighborhood.
6
7 4. The modification shall not result in configurations of lots or street
8 systems which shall be unreasonable or detract materially from the
9 appearance of the Legacy District.
10
11 5. The minimum lot size of any lot to be created shall not be reduced
12 below the requirements of this Legacy Ordinance.
13
14 D. When applying the Development Requirements, the Commission shall
15 carefully weigh the specific circumstances surrounding the modification
16 petition and strive for development solutions that promote the spirit, intent
17 and purposes of this Legacy Ordinance.
18
19 E. If the Commission (acting through its hearing examiner or committee)
20 determines that the proposed modification will not have an adverse impact
21 on development in the Legacy District, it shall grant a modification of the
22 Development Requirements. In granting modifications, the Commission
23 may impose such conditions as will, in its reasonable judgment, secure the
24 objectives and purposes of this Legacy Ordinance.
25

26 **Section 20. Controlling Developer's Consent.** Without the written consent of the
27 Controlling Developer, no other developer, user, owner, or tenant may obtain any permits or
28 approvals, whatsoever, with respect to the Real Estate or any portion thereof and, as such, and by
29 way of example but not by limitation, none of the following may be obtained without the
30 approval and consent of the Controlling Developer:
31

- 32 A. Improvement location permits for any improvements within the Real
33 Estate;
34
35 B. Sign permits for any signs within the Real Estate;
36
37 C. Building permits for any buildings within the Real Estate;
38
39 D. DP/ADLS, or primary or secondary plat approval for any part of the Real
40 Estate; and
41
42 E. Any text amendments or other variations to the terms and conditions of
43 this Legacy Ordinance.
44

45 **Section 21. River Developable Parcel.** Notwithstanding anything in this Legacy Ordinance
46 to the contrary, the River Developable Parcel shall remain zoned S-1 (Residential) under the

1 Zoning Ordinance, and the use and development of the River Developable Parcel shall be
2 governed by the S-1 (Residential) classification of the Zoning Ordinance, and not by this Legacy
3 Ordinance.

4
5 **Section 22. Violations.** All violations of this Legacy Ordinance shall be subject to Section
6 34.0 of the Zoning Ordinance.

7
8
9
10 **PASSED** by the Common Council of the City of Carmel, Indiana this _____ day of
11 _____, 2007, by a vote of _____ ayes and _____ nays.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

1 **COMMON COUNCIL FOR THE CITY OF CARMEL**

2
3
4 _____
5 Presiding Officer

_____ Kevin Kirby

6
7 _____
8 Joseph C. Griffiths, President Pro Tempore

_____ Brian D. Mayo

9
10 _____
11 Ronald E. Carter

_____ Mark Rattermann

12
13 _____
14 Fredrick J. Glaser

_____ Richard L. Sharp

15 ATTEST:

16
17
18 _____
19 Diana L. Cordray, IAMC, Clerk Treasurer

20
21
22 Presented by me to the Mayor of the City of Carmel, Indiana the ____ day of
23 _____, 2007, at _____ o'clock ____M.

24
25
26
27 _____
28 Diana L. Cordray, IAMC, Clerk Treasurer

29 Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of
30 _____, 2007, at _____ o'clock ____M.

31
32
33
34 _____
35 James Brainard, Mayor

36 ATTEST:

37
38 _____
39 Diana L. Cordray, IAMC, Clerk Treasurer

40
41
42
43
44 This Instrument prepared by: Charles D. Frankenberger, NELSON & FRANKENBERGER,
45 3105 East 98th Street, Suite 170, Indianapolis, IN 46280 .

SCHEDULE OF EXHIBITS

- Exhibit 1. Legal Description
- Exhibit 2. Concept Plan.
- Exhibit 3. Bicycle and Pedestrian Plan
- Exhibit 4. Open Space Plan
- Exhibit 5. Environmental Systems Plan
- Exhibit 6. Streets
 - A. Street Plan
 - B. Street Sections
 - C. Street Standards
- Exhibit 7. Larger Detached Dwellings
 - A. Development and Architectural Standards
 - B. Character Illustrations
- Exhibit 8. Smaller Detached Dwellings
 - A. Development and Architectural Standards
 - B. Character Illustrations
- Exhibit 9. Attached Dwellings and Apartments
 - A. Development and Architectural Standards
 - B. Character Illustrations
- Exhibit 10. Commercial Buildings
 - A. Development and Architectural Standards
 - B. Character Illustrations

Exhibit 11. Corner Use Block

A. Character Illustrations

Exhibit 12. CCRC Multi Unit Building

A. Development and Architectural Standards

B. Character Illustrations

Exhibit 13. Open Space Character Illustrations

Exhibit 14. Use Table

Exhibit 15. Typical Street Lighting

Exhibit 16. Typical Residential Area Signage

Exhibit 17. River Parcel Legal Description

Exhibit 18. Streetscapes

A. 146th Street Frontage Road Streetscape

B. Main Street Streetscape

EXHIBIT 1

Legal Description

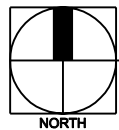
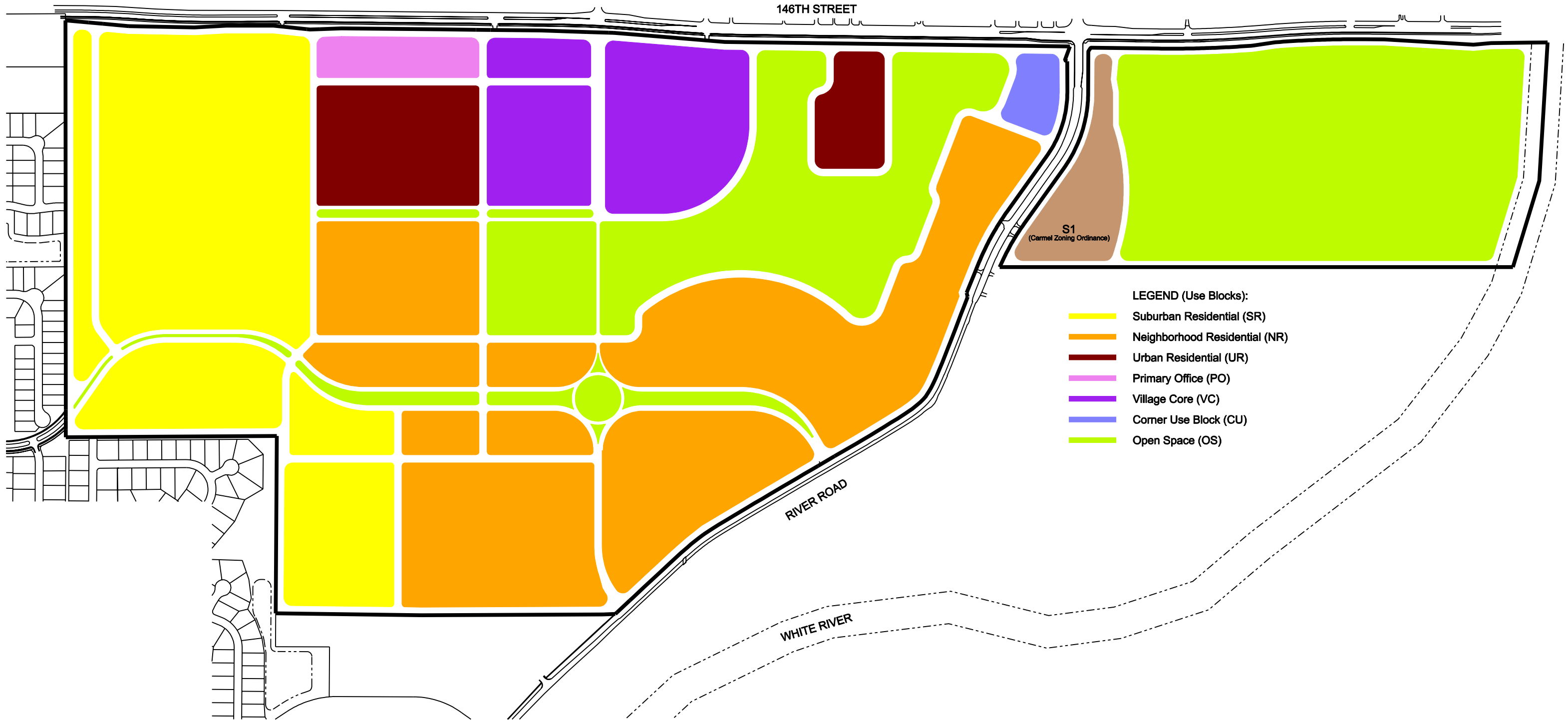
A part of the East Half of the Northeast Quarter of Section 22 and a part of Section 23, Township 18 North, Range 4 East of the 2nd Principal Meridian, Clay Township, Hamilton County, Indiana described more particularly as follows:

Commencing at the Northeast Corner of said Section 23 thence North 89 degrees 15 minutes 40 seconds West along the north line of the Northeast Quarter of said Section 23 a distance of 337.40 feet; thence South 20 degrees 07 minutes 12 seconds West a distance of 149.74 feet to the Point of Beginning being the southwest intersection of the rights-of-way for 146th Street and River Road as described in Instrument No. 200100065741 in the Office of the Recorder of Hamilton County, Indiana, the following 12 courses along the westerly right-of-way of River Road per said Instrument No. 200100065741; (1) South 20 degrees 07 minutes 21 seconds West a distance of 92.91 feet; (2) South 69 degrees 52 minutes 38 seconds East a distance of 16.50 feet; (3) South 00 degrees 07 minutes 41 seconds West a distance of 195.81 feet to a point on a non-tangent curve to the right having a radius of 688.98 feet, the radius point of which bears North 89 degrees 52 minutes 19 seconds West; (4) southerly along said curve an arc distance of 426.40 feet to a point which bears South 54 degrees 24 minutes 43 seconds East from said radius point; (5) South 35 degrees 35 minutes 17 seconds West a distance of 313.27 feet; (6) North 69 degrees 52 minutes 38 seconds West a distance of 16.50 feet; (7) South 20 degrees 07 minutes 28 seconds West a distance of 119.41 feet; (8) North 69 degrees 52 minutes 38 seconds West a distance of 16.50 feet to a point on a non-tangent curve to the left having a radius of 1574.80 feet, the radius point of which bears South 54 degrees 49 minutes 01 seconds East; (9) southwesterly along said curve an arc distance of 367.82 feet to a point which bears North 68 degrees 11 minutes 57 seconds West from said radius point; (10) South 21 degrees 48 minutes 03 seconds West a distance of 191.51 feet; (11) South 15 degrees 18 minutes 16 seconds East a distance of 82.28 feet; (12) South 68 degrees 12 minutes 11 seconds East a distance of 16.50 feet to the physical centerline of River Road, the following 17 courses along the physical centerline of River Road; (1) South 21 degrees 14 minutes 47 seconds West a distance of 243.57 feet; (2) South 21 degrees 20 minutes 03 seconds West a distance of 151.74 feet; (3) South 23 degrees 01 minutes 40 seconds West a distance of 99.76 feet; (4) South 24 degrees 29 minutes 46 seconds West a distance of 51.87 feet to a point on a non-tangent curve to the right having a radius of 397.42 feet, the radius point of which bears North 66 degrees 03 minutes 44 seconds West; (5) southwesterly along said curve an arc distance of 191.02 feet to a point which bears South 38 degrees 31 minutes 23 seconds East from said radius point; (6) South 52 degrees 56 minutes 19 seconds West a distance of 64.43 feet; (7) South 56 degrees 48 minutes 58 seconds West a distance of 84.84 feet; (8) South 58 degrees 29 minutes 55 seconds West a distance of 204.22 feet; (9) South 59 degrees 38 minutes 13 seconds West a distance of 213.74 feet; (10) South 59 degrees 38 minutes 43 seconds West a distance of 416.86 feet; (11) South 59 degrees 26 minutes 13 seconds West a distance of 210.95 feet; (12) South 59 degrees 08 minutes 15 seconds West a distance of 205.20 feet to a point on a non-tangent curve to the left having a radius of 1427.15 feet, the radius point of which bears South 29 degrees 09 minutes 29 seconds East; (13) southwesterly along said curve an arc distance of 338.21 feet to a point which bears North 42 degrees 44 minutes 11 seconds West from said radius point; (14) South 47 degrees 13 minutes 52 seconds West a distance of 257.68 feet; (15) South 47 degrees 01 minutes 38 seconds West a distance of 316.41 feet; (16) South 46 degrees 58 minutes 46 seconds West a distance of 613.46 feet to a point on a tangent curve to the left having a radius of 1232.86 feet, the radius point of which bears South 43 degrees 01 minutes 14 seconds East; (17) southwesterly along said curve an arc distance of 153.01 feet to a point which bears North 50 degrees 07 minutes 52 seconds West from said radius point; thence North 00 degrees 53 minutes 16 seconds West along the southerly extension of the Carmel Clay School's land described in Instrument No. 9609651829 in the Office of the Recorder, Hamilton County, Indiana a distance of 78.51 feet to the south corner of said land being a point on a non-tangent curve to the right having a radius of 1285.49 feet, the radius point of which bears South 47 degrees 28 minutes 47 seconds East; thence northeasterly along said curve and the east line of said land an arc distance of 100.05 feet to a point which bears North 43 degrees 01 minutes 14 seconds West from said radius point; thence continuing North 46 degrees 58 minutes 46 seconds East along said east line a distance of 613.46 feet to the northeast corner of said land; thence North 89 degrees 45 minutes 37

seconds West along the north line of said land a distance of 2114.73 feet to the west line of the Southwest Quarter of said Section 23; thence North 00 degrees 19 minutes 58 seconds East along said west line a distance of 1112.50 feet to the Northwest Corner of said Southwest Quarter also the Southeast Corner of the East Half of the Northeast Quarter of Section 22; thence South 89 degrees 39 minutes 16 seconds West along the south line of said East Half a distance of 1321.00 feet to the Southwest Corner of said East Half; thence North 00 degrees 02 minutes 32 seconds West along the west line of said East Half a distance of 2610.79 feet to the southerly right-of-way of 146th Street, the remaining courses along said right-of-way; thence South 84 degrees 48 minutes 27 seconds East a distance of 396.84 feet; thence South 88 degrees 44 minutes 54 seconds East a distance of 411.89 feet; thence North 86 degrees 49 minutes 33 seconds East a distance of 200.04 feet; thence South 89 degrees 52 minutes 33 seconds East a distance of 295.28 feet; thence South 83 degrees 58 minutes 30 seconds East a distance of 230.15 feet; thence North 87 degrees 45 minutes 46 seconds East a distance of 197.10 feet; thence South 89 degrees 22 minutes 30 seconds East a distance of 1246.72 feet; thence South 88 degrees 10 minutes 19 seconds East a distance of 458.39 feet; thence South 85 degrees 17 minutes 03 seconds East a distance of 696.40 feet; thence South 89 degrees 15 minutes 53 seconds East a distance of 2161.67 feet to the Point of Beginning, containing 413.414 acres, more or less.

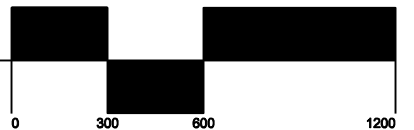
Also, A part of Section 23 and Section 24, Township 18 North, Range 4 East of the 2nd Principal Meridian, Clay Township, Hamilton County, Indiana, described more particularly as follows:

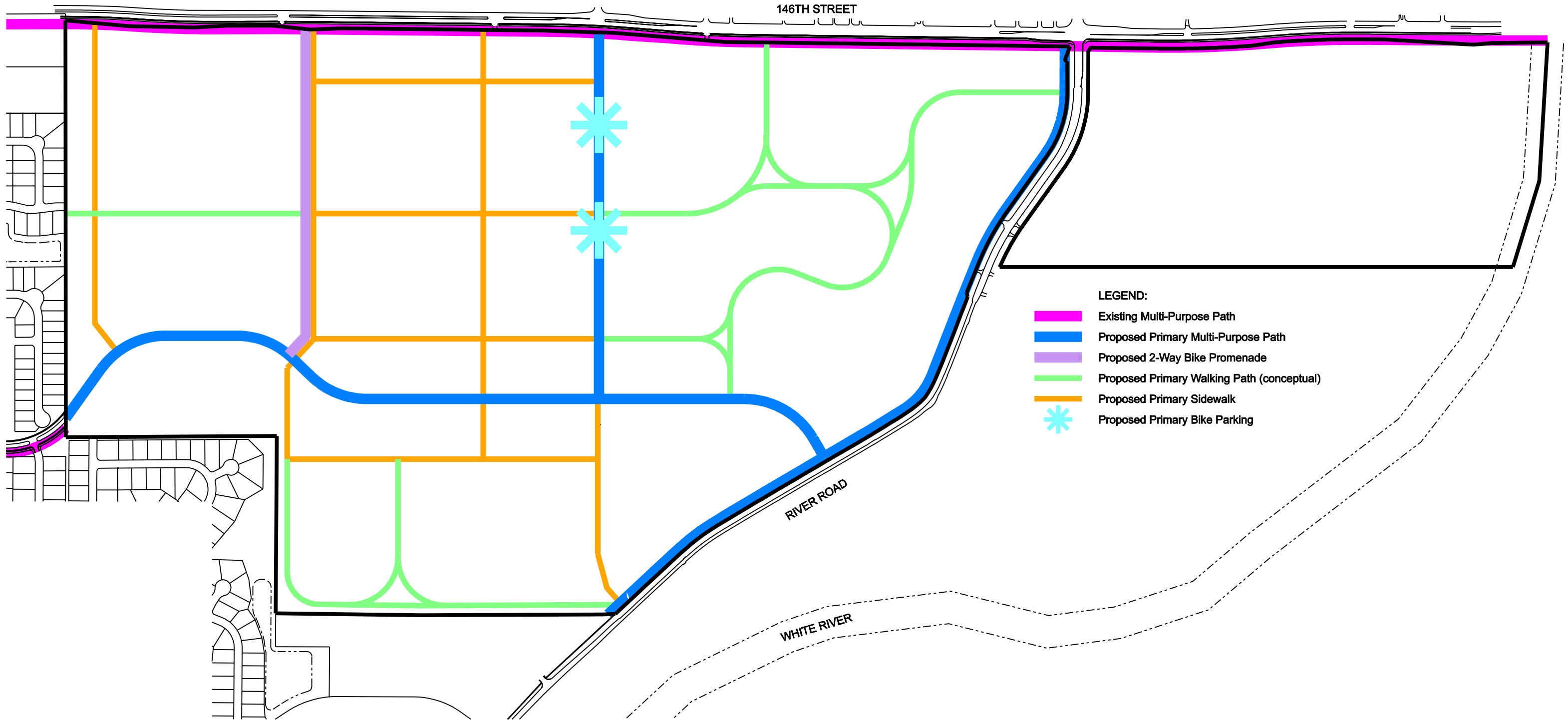
Commencing at the northeast corner of said Section 23 thence North 89 degrees 15 minutes 40 seconds West (assumed bearing) along the north line of the Northeast Quarter of said Section 23 a distance of 337.40 feet; thence South 20 degrees 07 minutes 12 seconds West a distance of 149.74 feet to the southwest intersection of the rights-of-way of 146th Street and River Road as described in Instrument No. 200100065741 in the Office of the Recorder of Hamilton County, Indiana; thence South 86 degrees 23 minutes 21 seconds East a distance of 130.67 feet to the **Point of Beginning** being the southeast intersection of said rights-of-way for 146th Street and River Road (the following eight courses being along the southerly right-of-way of 146th Street per said Instrument No. 200100065741); (1) thence South 89 degrees 15 minutes 53 seconds East a distance of 423.63 feet to a point on a non-tangent curve to the left having a radius of 6650.26 feet, the radius point of which bears North 00 degrees 44 minutes 08 seconds East; (2) thence easterly along said curve an arc distance of 596.98 feet to a point which bears South 04 degrees 24 minutes 28 seconds East from said radius point; (3) thence North 81 degrees 27 minutes 58 seconds East a distance of 136.79 feet to a point on a non-tangent curve to the right having a radius of 6482.94 feet, the radius point of which bears South 04 degrees 24 minutes 29 seconds East; (4) thence easterly along said curve an arc distance of 556.05 feet to a point which bears North 00 degrees 30 minutes 23 seconds East from said radius point; (5) thence South 89 degrees 29 minutes 37 seconds East a distance of 126.94 feet; (6) thence South 86 degrees 38 minutes 21 seconds East a distance of 558.90 feet; (7) thence North 84 degrees 36 minutes 40 seconds East a distance of 110.62 feet; (8) thence North 89 degrees 25 minutes 33 seconds East a distance of 238.80 feet; thence continuing on the easterly extension of said right-of-way North 89 degrees 25 minutes 33 seconds East a distance of 115.74 feet to the middle of White River (the following two courses being along the middle of White River); (1) thence South 03 degrees 25 minutes 34 seconds West a distance of 868.05 feet; (2) thence South 17 degrees 02 minutes 49 seconds West a distance of 564.64 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 3212.80 feet to the easterly right-of-way of River Road per said Instrument No. 200100065741 being a point on a non-tangent curve to the right having a radius of 1443.57 feet, the radius point of which bears South 66 degrees 45 minutes 59 seconds East (the following five courses being along said easterly right of way); (1) thence northeasterly along said curve an arc distance of 311.27 feet to a point which bears North 54 degrees 24 minutes 43 seconds West from said radius point; (2) thence North 35 degrees 35 minutes 17 seconds East a distance of 426.04 feet to a point on a tangent curve to the left having a radius of 820.21 feet, the radius point of which bears North 54 degrees 24 minutes 43 seconds West; (3) thence northerly along said curve an arc distance of 507.62 feet to a point which bears South 89 degrees 52 minutes 19 seconds East from said radius point; (4) thence North 00 degrees 07 minutes 41 seconds East a distance of 258.32 feet; (5) thence North 34 degrees 37 minutes 42 seconds East a distance of 27.30 feet to the Point of Beginning, containing 95.82 acres, more or less. Total area containing 509.234 acres, more or less.



THE LEGACY

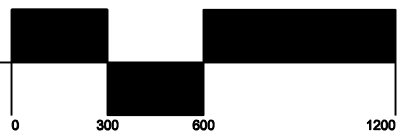
Exhibit 2: Concept Plan

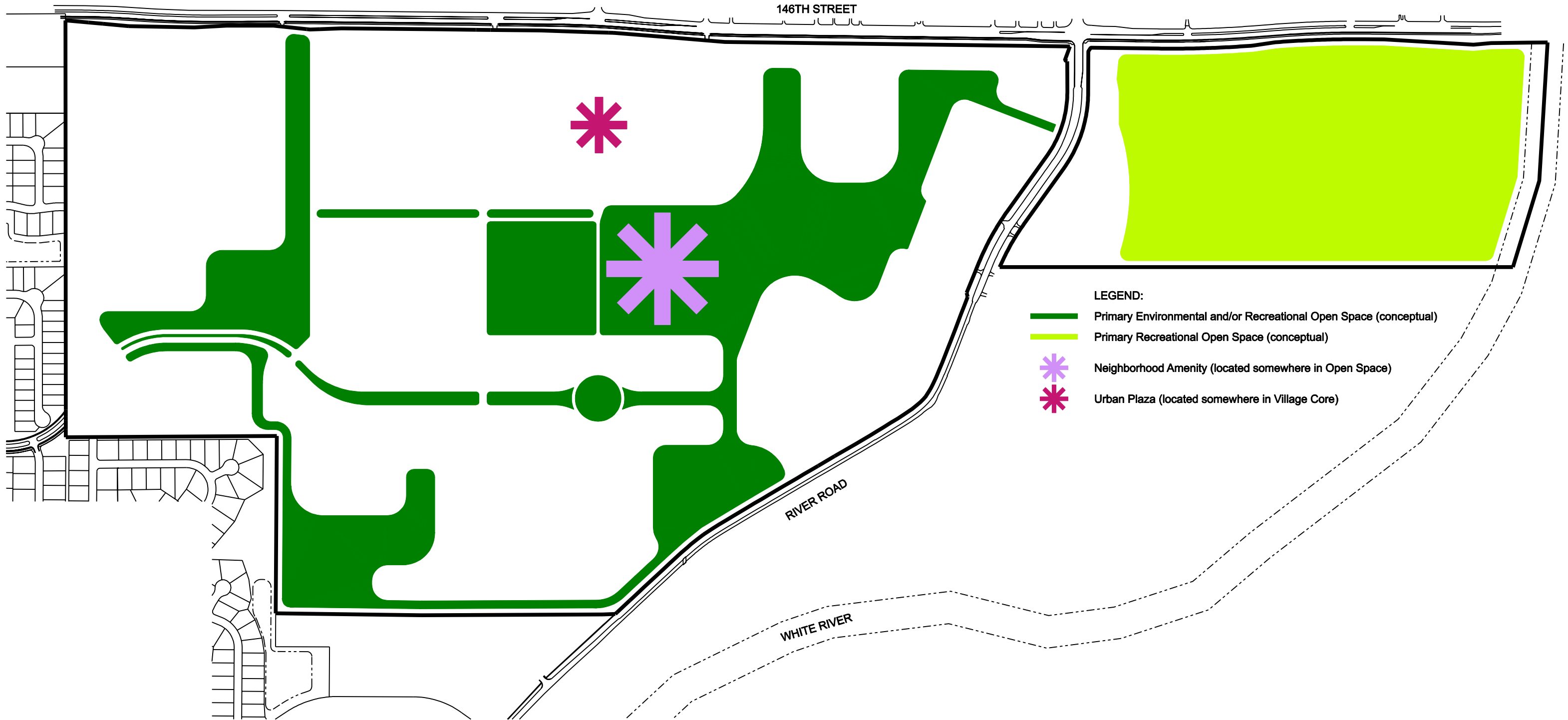




THE LEGACY

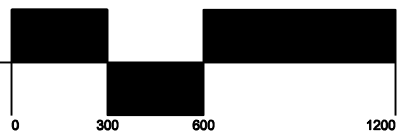
Exhibit 3: Bicycle and Pedestrian Plan

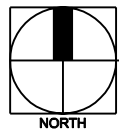




THE LEGACY

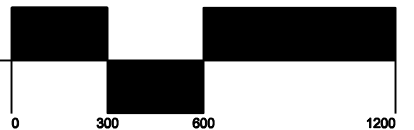
Exhibit 4: Open Space Plan

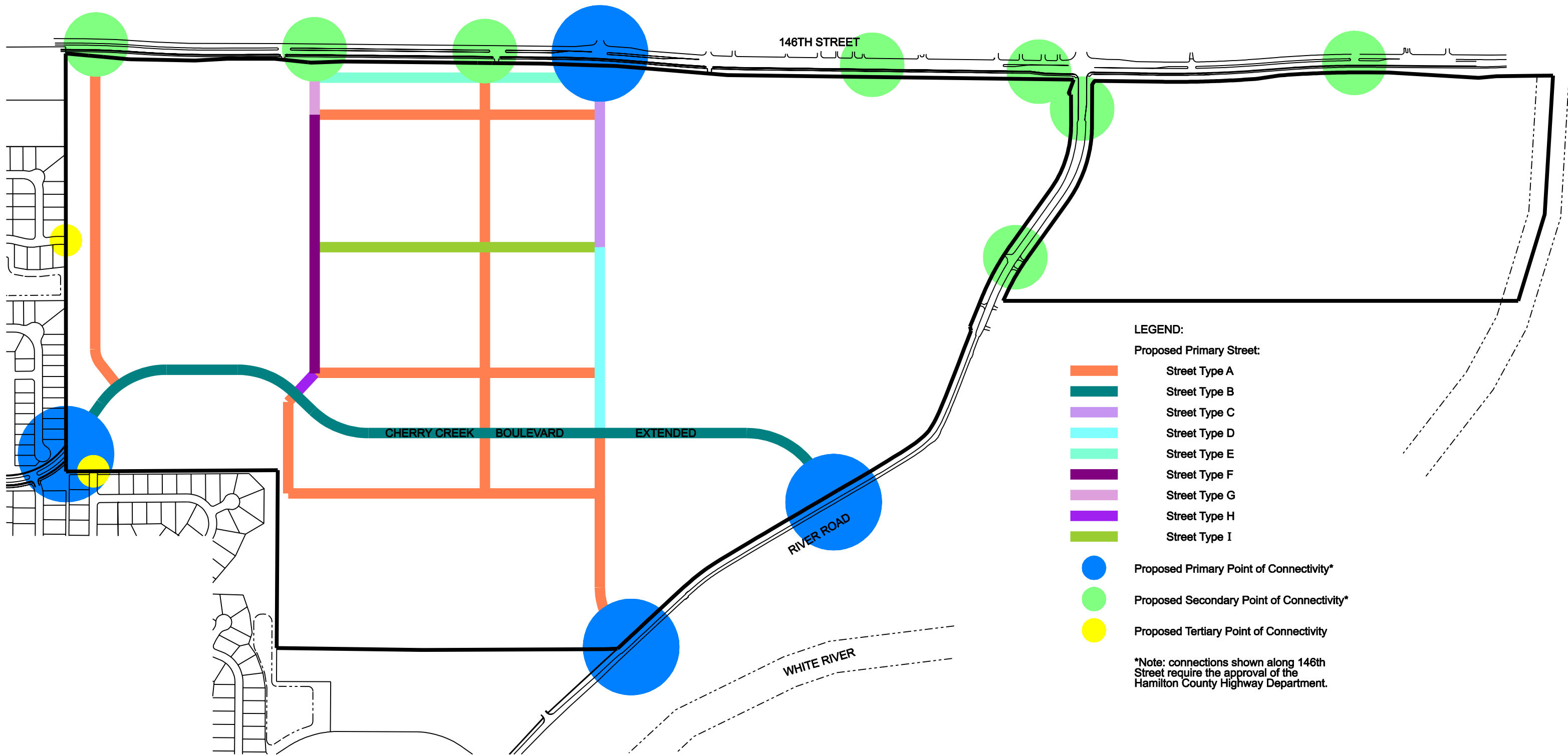




THE LEGACY

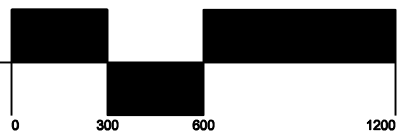
Exhibit 5: Environmental Systems Plan

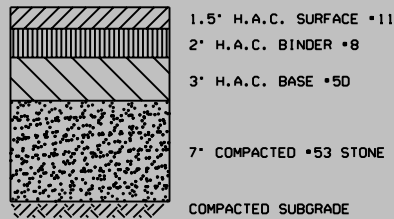




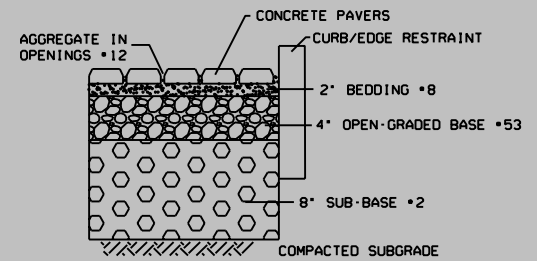
THE LEGACY

Exhibit 6: Street Plan (Minimum Cross-Section Standards for Known Street Locations)





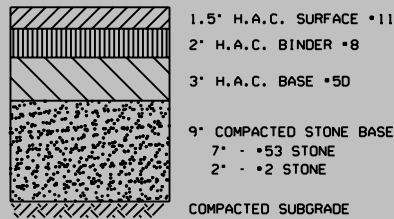
OR



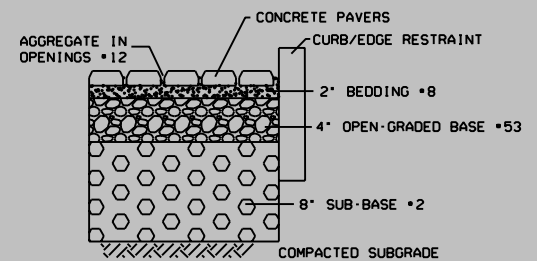
ACCEPTABLE FOR ALL APPLICATIONS
EXCEPT CHERRY CREEK BOULEVARD.

ACCEPTABLE FOR ALLEYS, PARKING LOTS/LANES,
PRIVATE STREETS, CROSSWALKS, & GUTTERS.
ALSO ACCEPTABLE FOR TRAVEL LANES WHERE
APPROVED BY ENGINEERING DEPARTMENT.

PAVEMENT SECTION #1



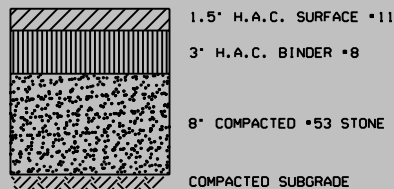
OR



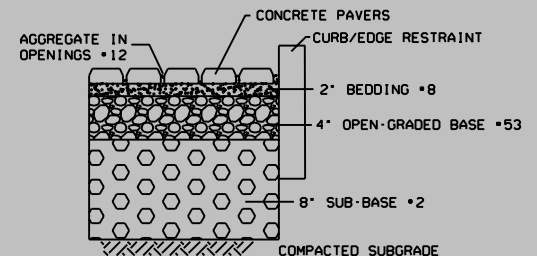
ACCEPTABLE FOR ALL APPLICATIONS

ACCEPTABLE FOR ALLEYS, PARKING LOTS/LANES,
PRIVATE STREETS, CROSSWALKS, & GUTTERS.
ALSO ACCEPTABLE FOR TRAVEL LANES WHERE
APPROVED BY ENGINEERING DEPARTMENT.

PAVEMENT SECTION #2



OR



ACCEPTABLE FOR ALLEYS, PRIVATE
STREETS, PARKING LOTS/LANES

ACCEPTABLE FOR ALLEYS, PARKING LOTS/LANES,
PRIVATE STREETS, CROSSWALKS, & GUTTERS.
ALSO ACCEPTABLE FOR TRAVEL LANES WHERE
APPROVED BY ENGINEERING DEPARTMENT.

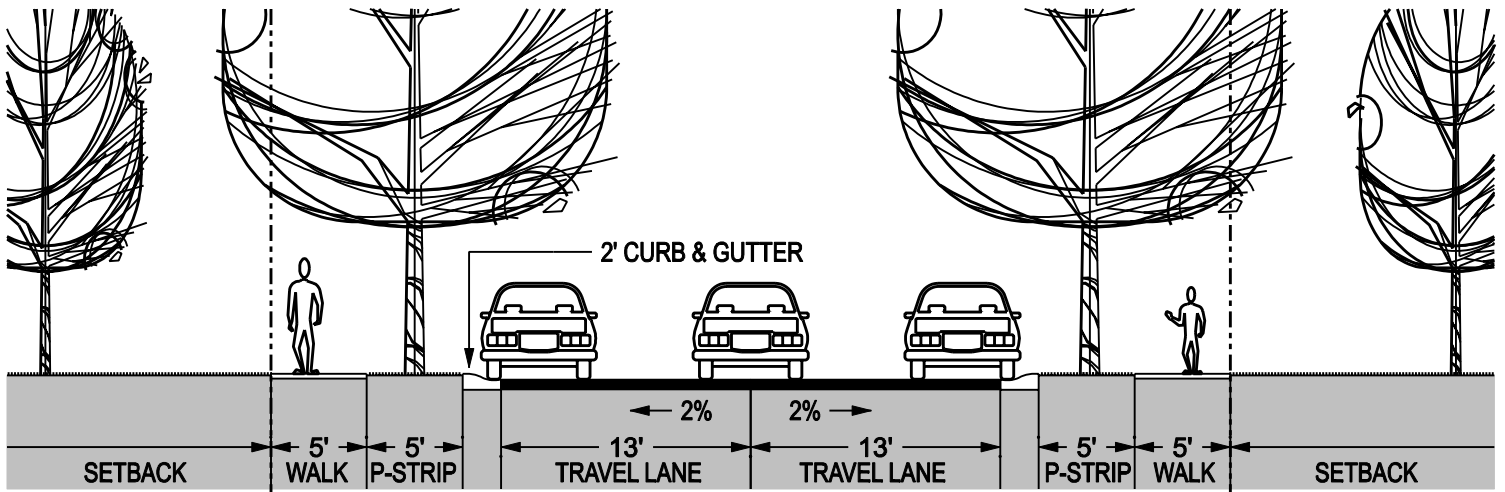
PAVEMENT SECTION #3

The Legacy

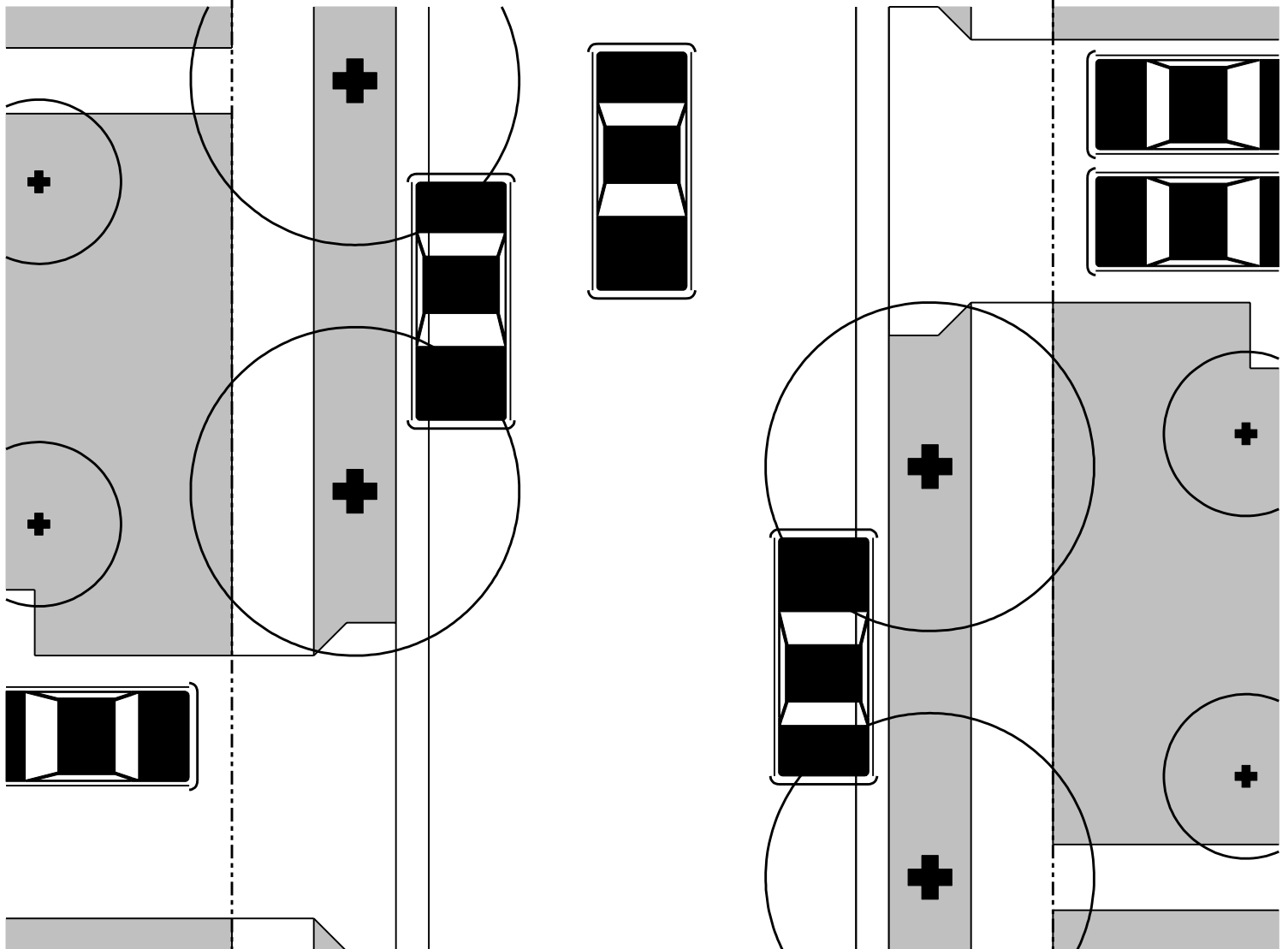
NOT TO SCALE

Pavement Section Types

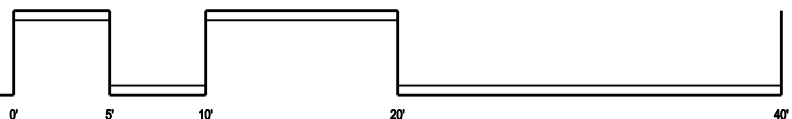
PREPARED FOR: EAST CARMEL, LLC
PREPARED BY: PLATINUM PROPERTIES, LLC



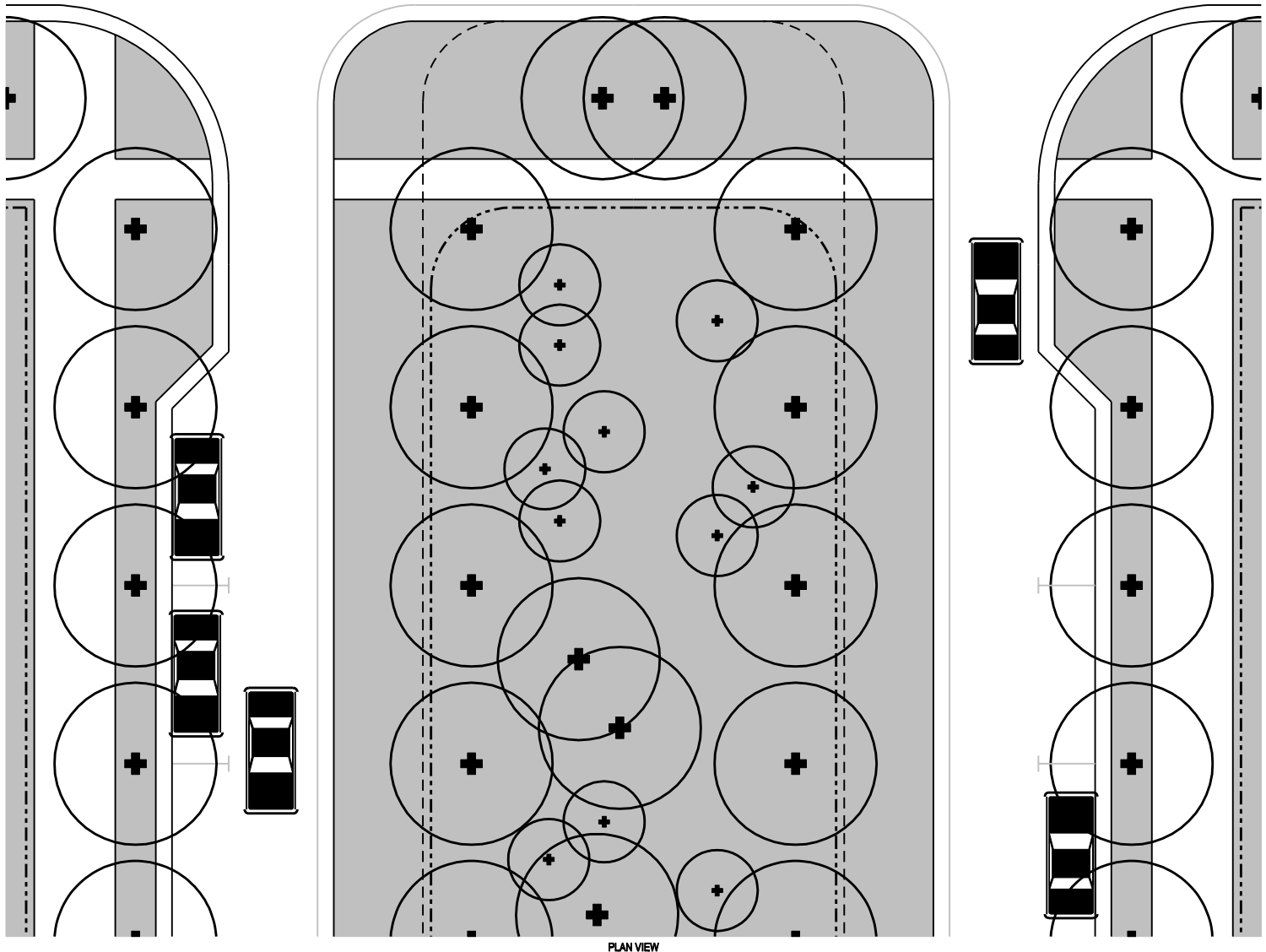
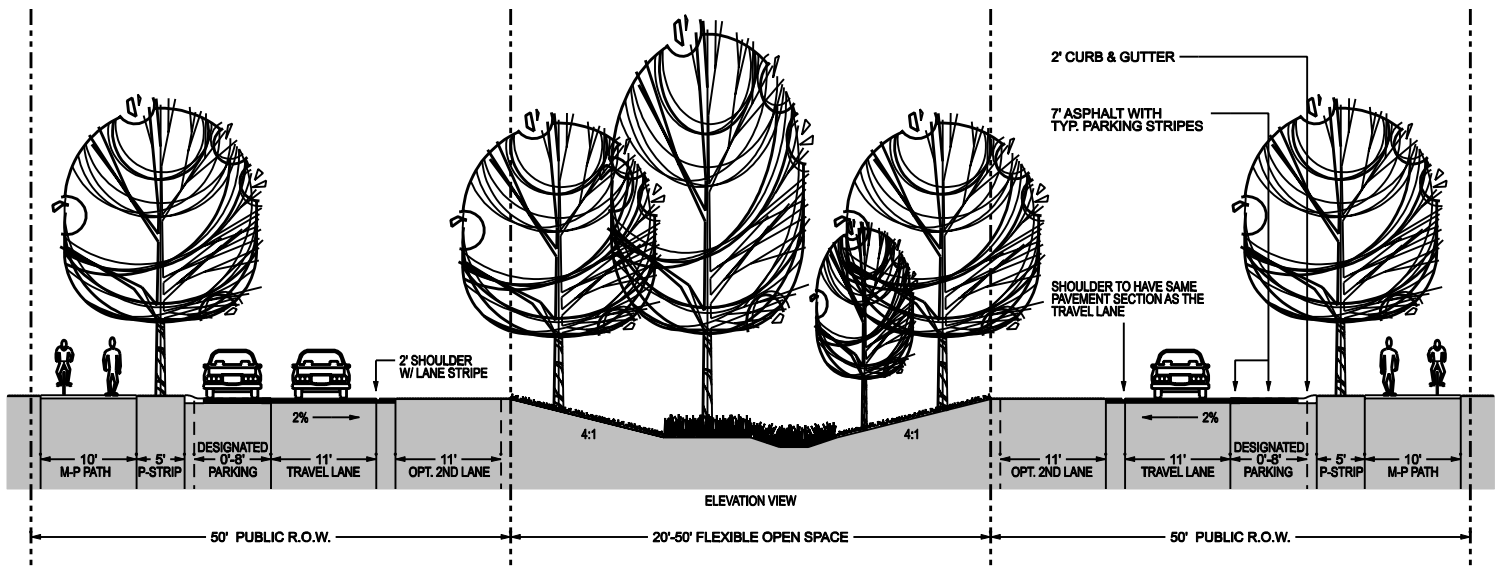
ELEVATION VIEW
50' R.O.W.



The Legacy

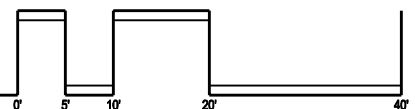


Street Type A, With Pavement Section 1
Section Through Street w/ 2-Sided Yield Parking



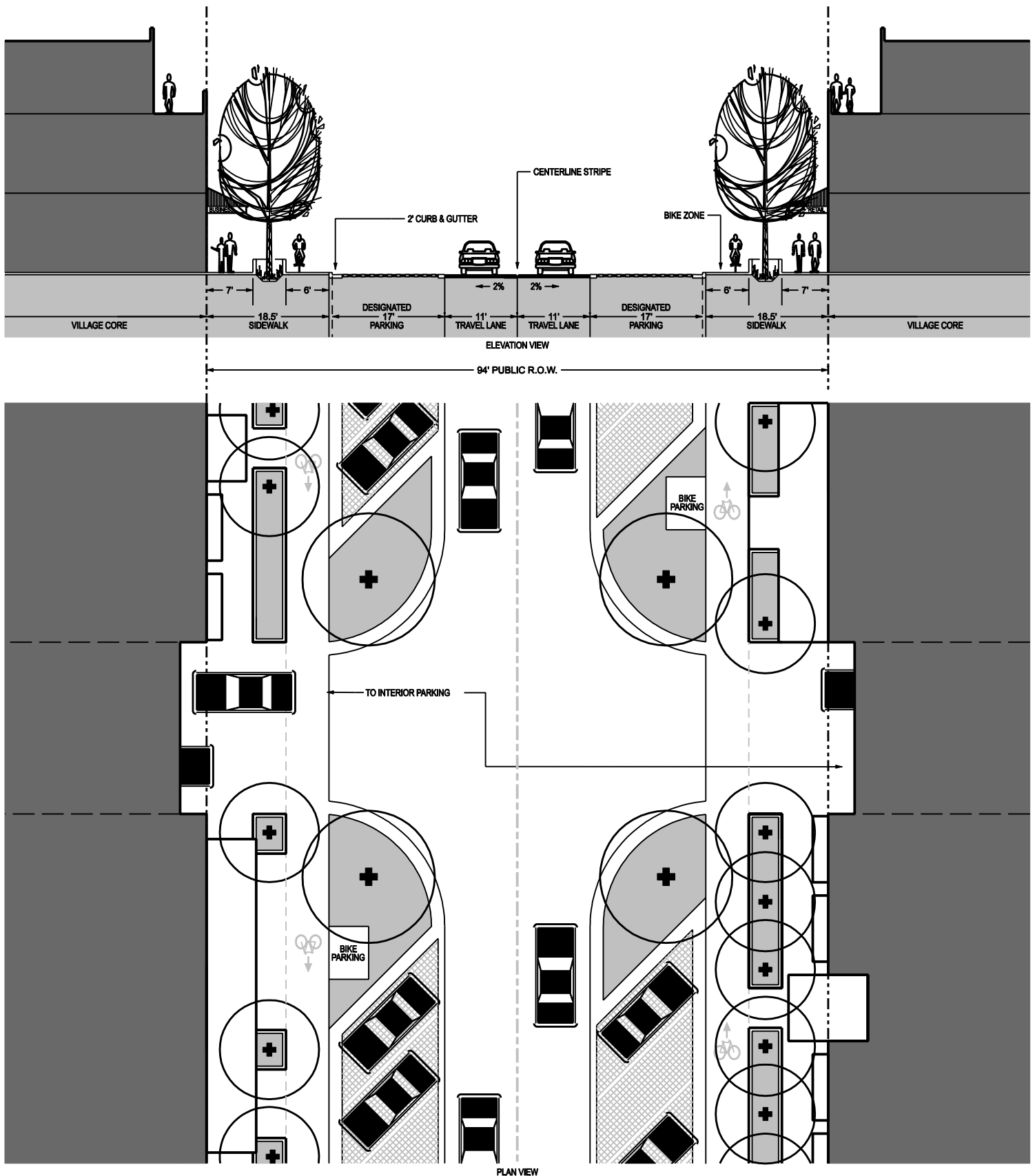
- NOTES:
1. A TRANSITION WILL BE MADE FROM THE EXISTING CHERRY CREEK BOULEVARD CROSS-SECTION TO THE ABOVE SECTION A MAXIMUM OF 1,500 FEET FROM THE WESTERN BOUNDARY OF THE LEGACY DEVELOPMENT.
 2. NO DESIGNATED PARKING REQUIRED WHERE LOTS DO NOT FRONT THE PUBLIC RIGHT-OF-WAY.

The Legacy

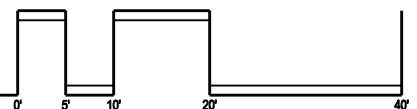


Street Type B , with Pavement Section 2
Sect. Through Divided R.O.W., w/ 1-Sided Designated Parking

PREPARED FOR: EAST CARMEL, LLC
PREPARED BY: PLATINUM PROPERTIES, LLC

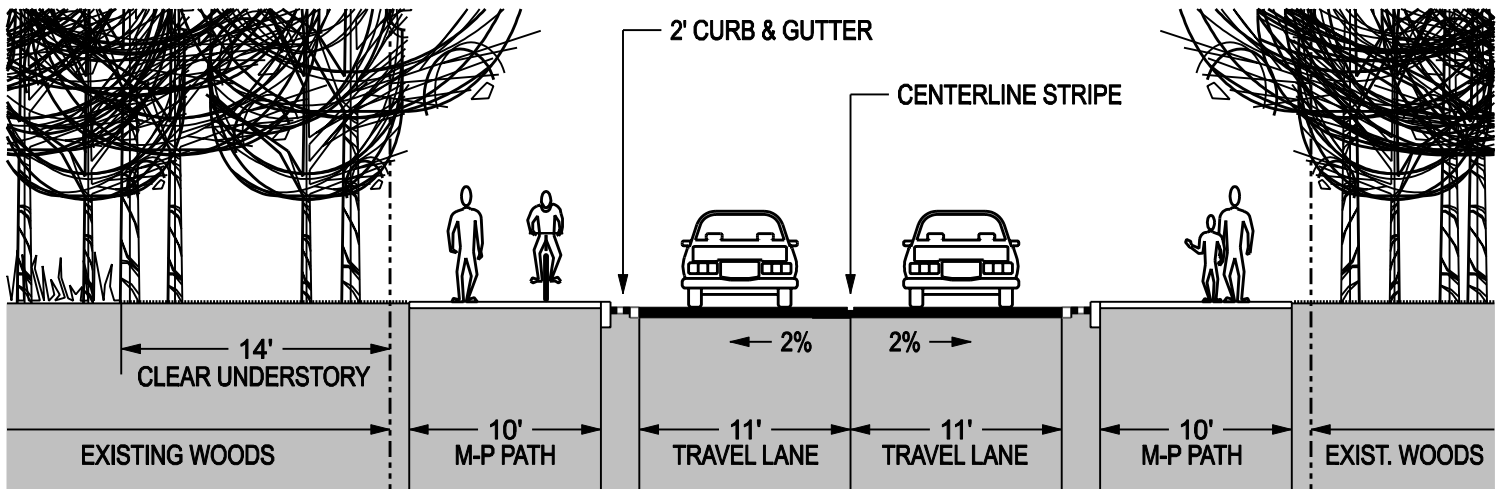


The Legacy



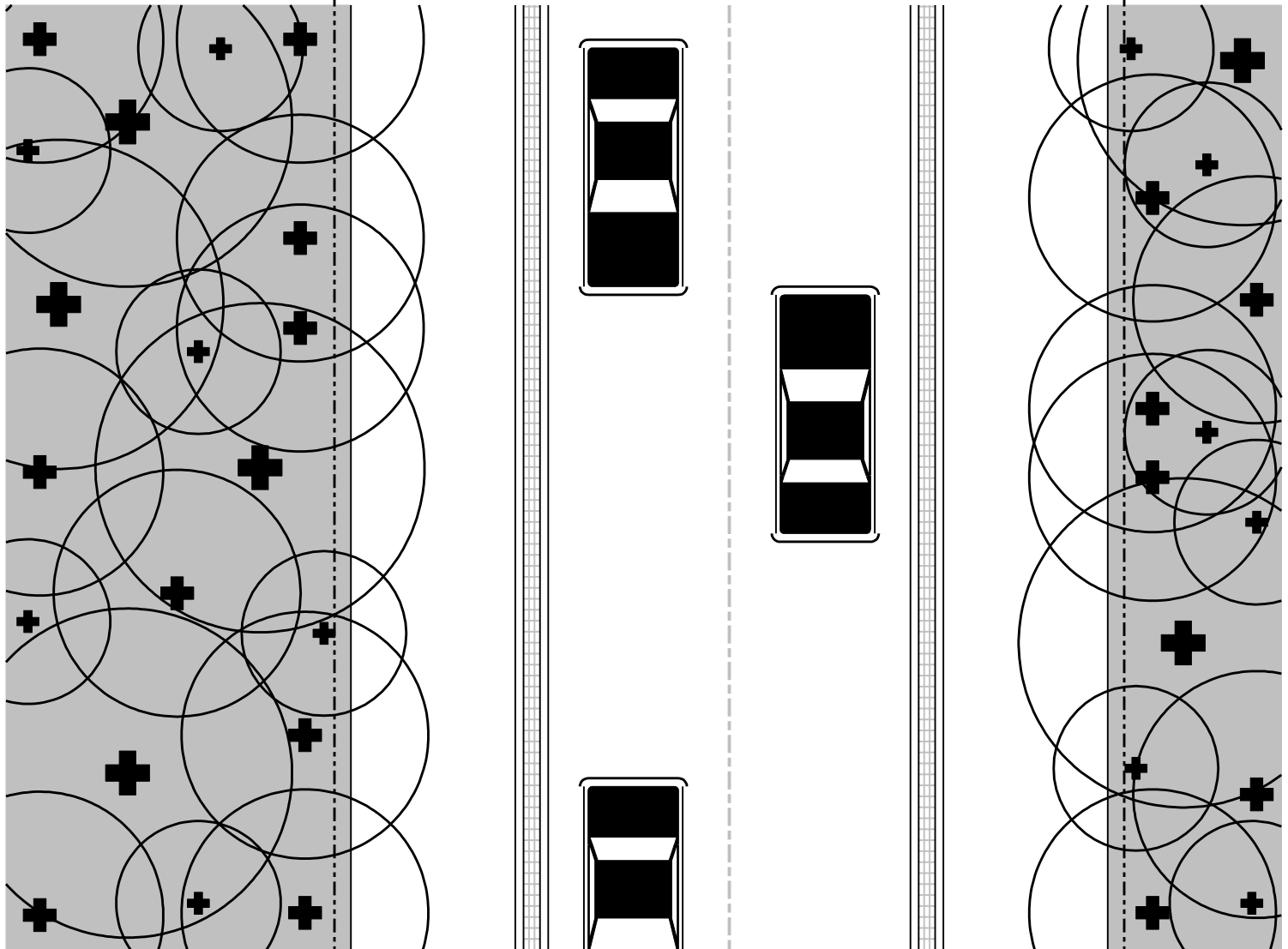
Street Type C, with Pavement Section 1
 Section Through "Main" Street, w/ 2-Sided Designated Parking

PREPARED FOR: EAST CARMEL, LLC
 PREPARED BY: PLATINUM PROPERTIES, LLC



ELEVATION VIEW

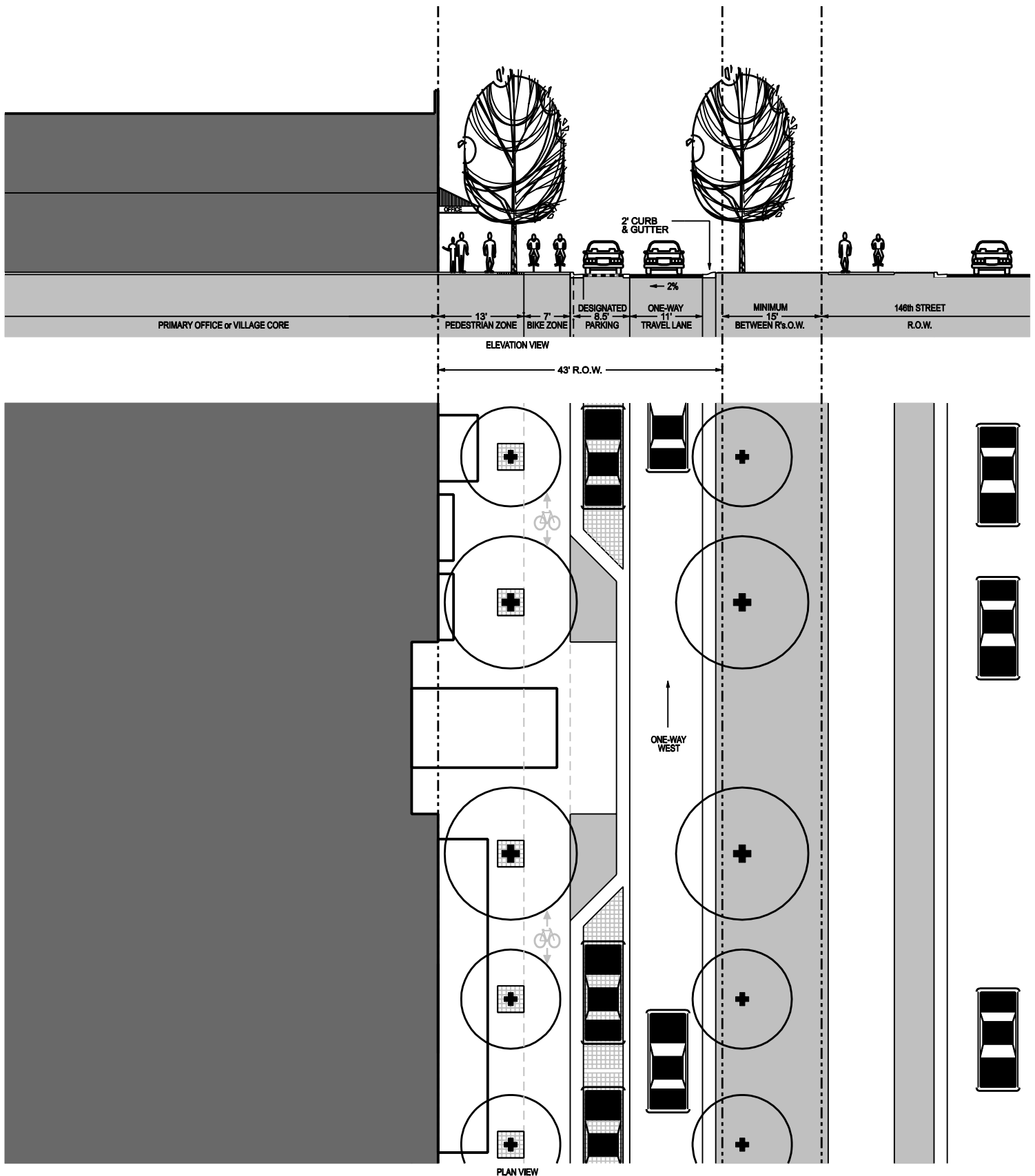
48' R.O.W.



The Legacy

Street Type D, with Pavement Section 1
Section Through "Main" Street, with No Parking

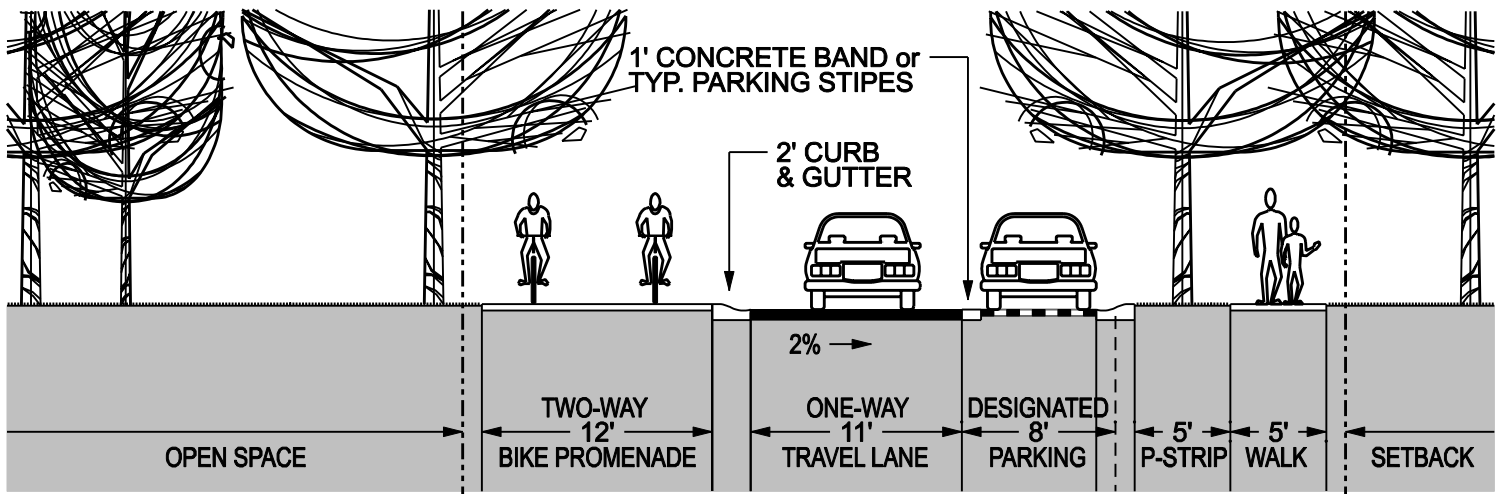
PREPARED FOR: EAST CARMEL, LLC
PREPARED BY: PLATINUM PROPERTIES, LLC



The Legacy

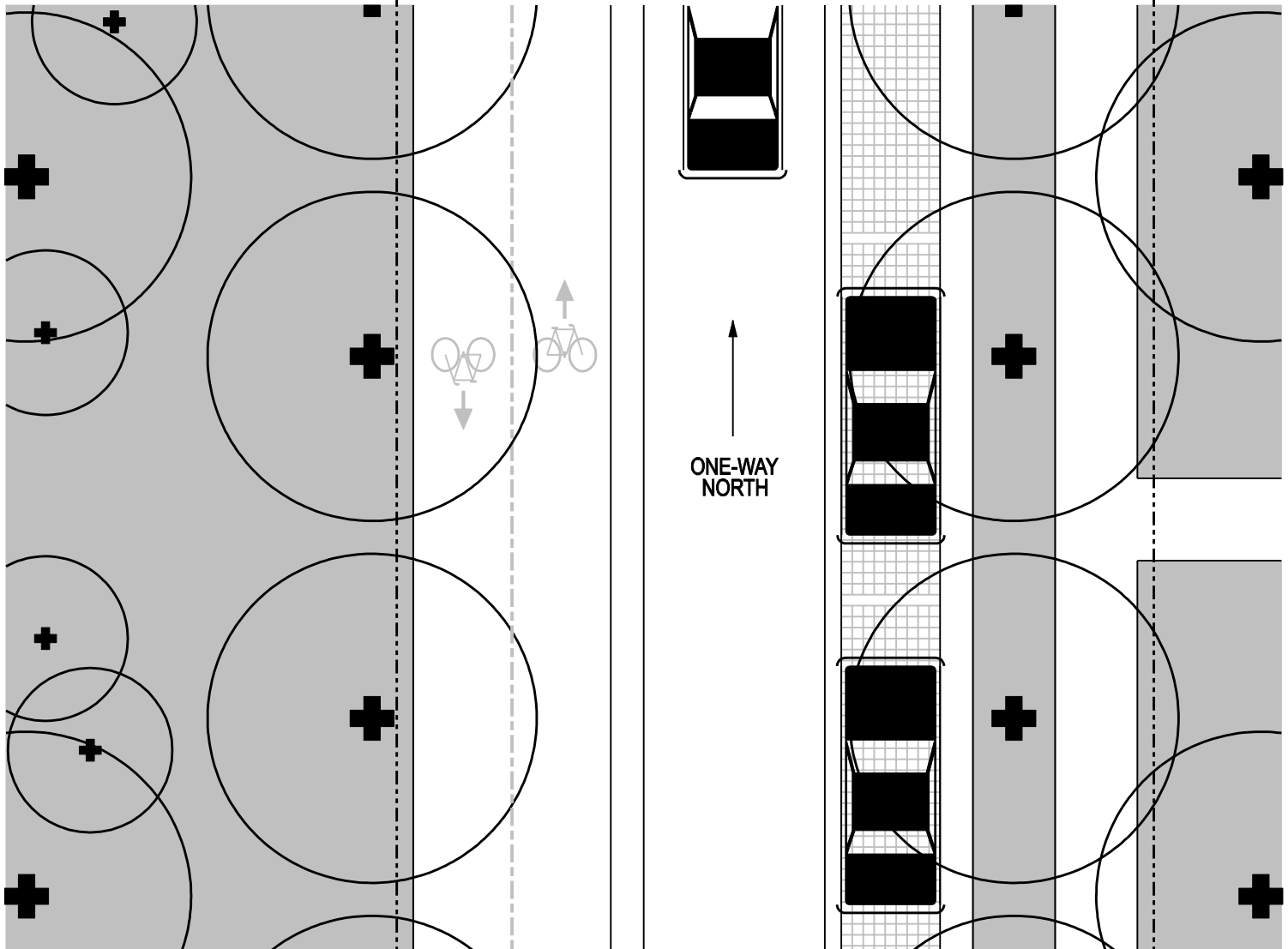
Street Type E, with Pavement Section 1
Section Through 1-Way Commercial Frontage Street

PREPARED FOR: EAST CARMEL, LLC
PREPARED BY: PLATINUM PROPERTIES, LLC



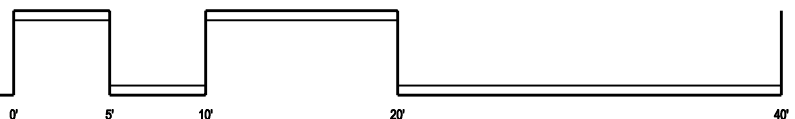
ELEVATION VIEW

46' R.O.W.



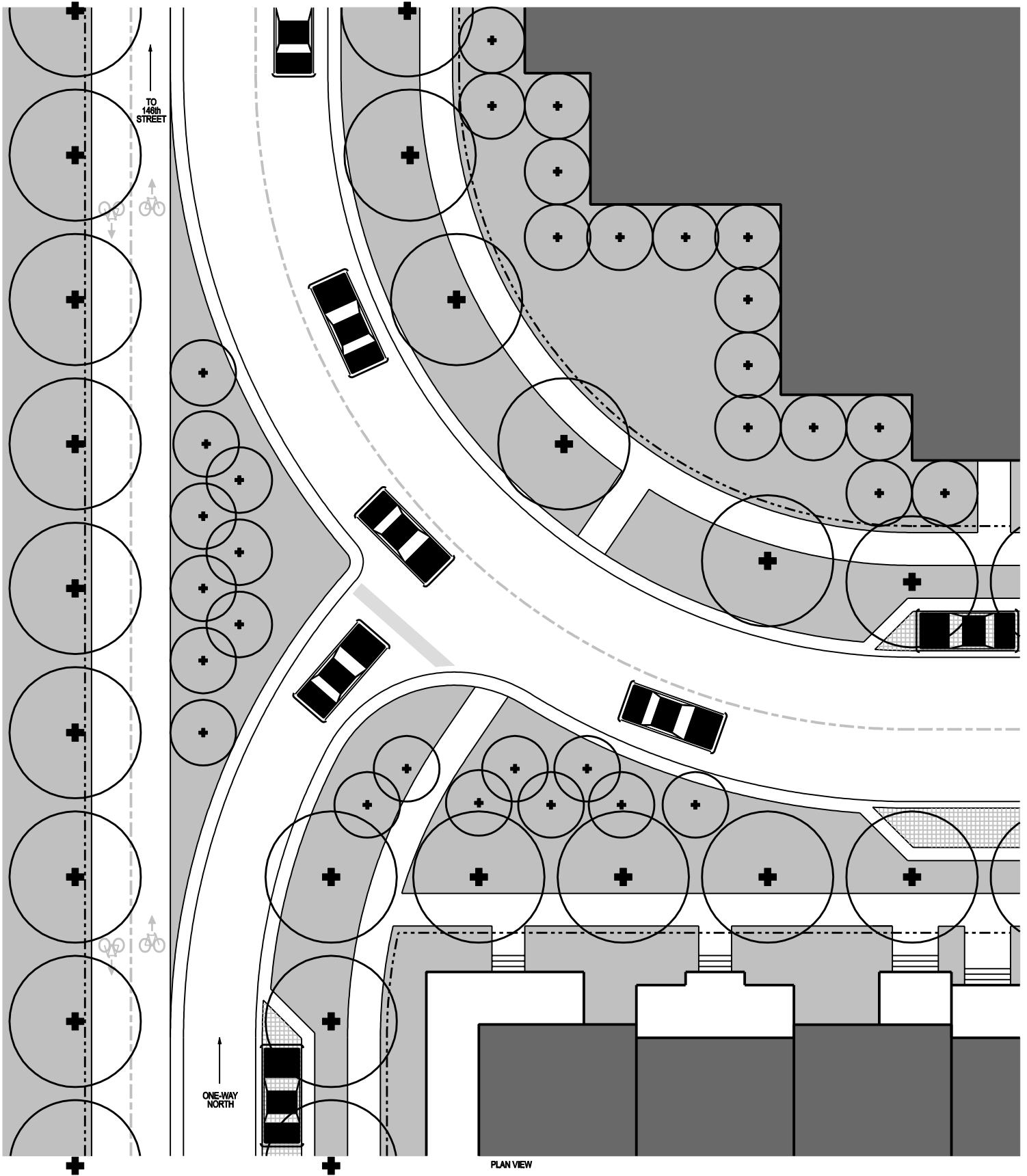
PLAN VIEW

The Legacy

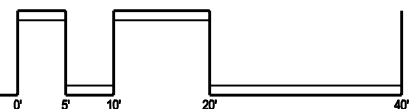


Street Type F, with Pavement Section 1
Section Through 1-Way Street w/ 2-Way Bike Promenade

PREPARED FOR: EAST CARMEL, LLC
PREPARED BY: PLATINUM PROPERTIES, LLC

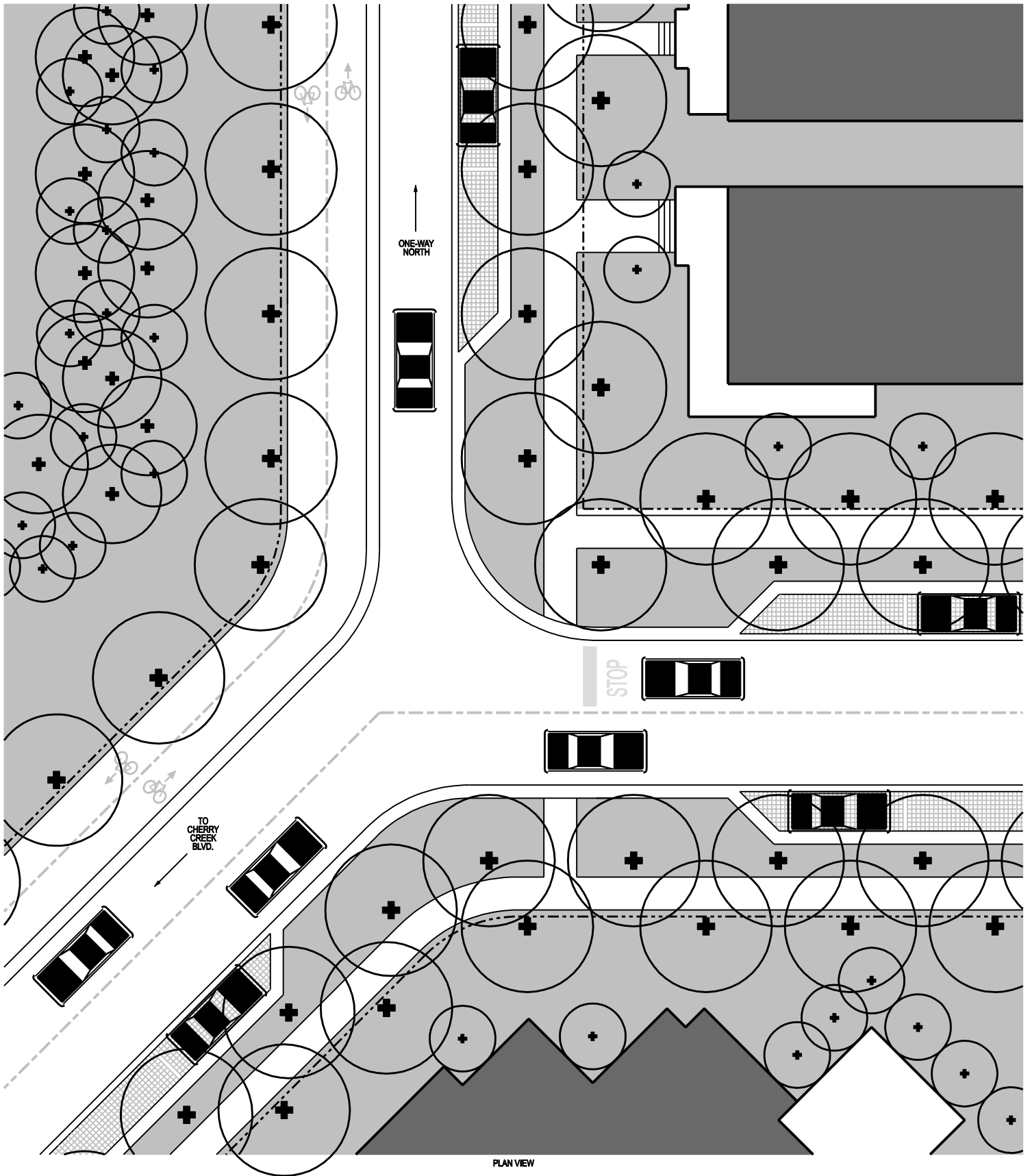


The Legacy

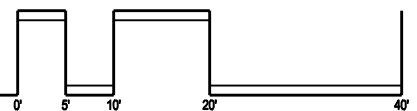


Street Type G, with Pavement Section 1
Plan Detail of Promenade at North Intersection

PREPARED FOR: EAST CARMEL, LLC
PREPARED BY: PLATINUM PROPERTIES, LLC

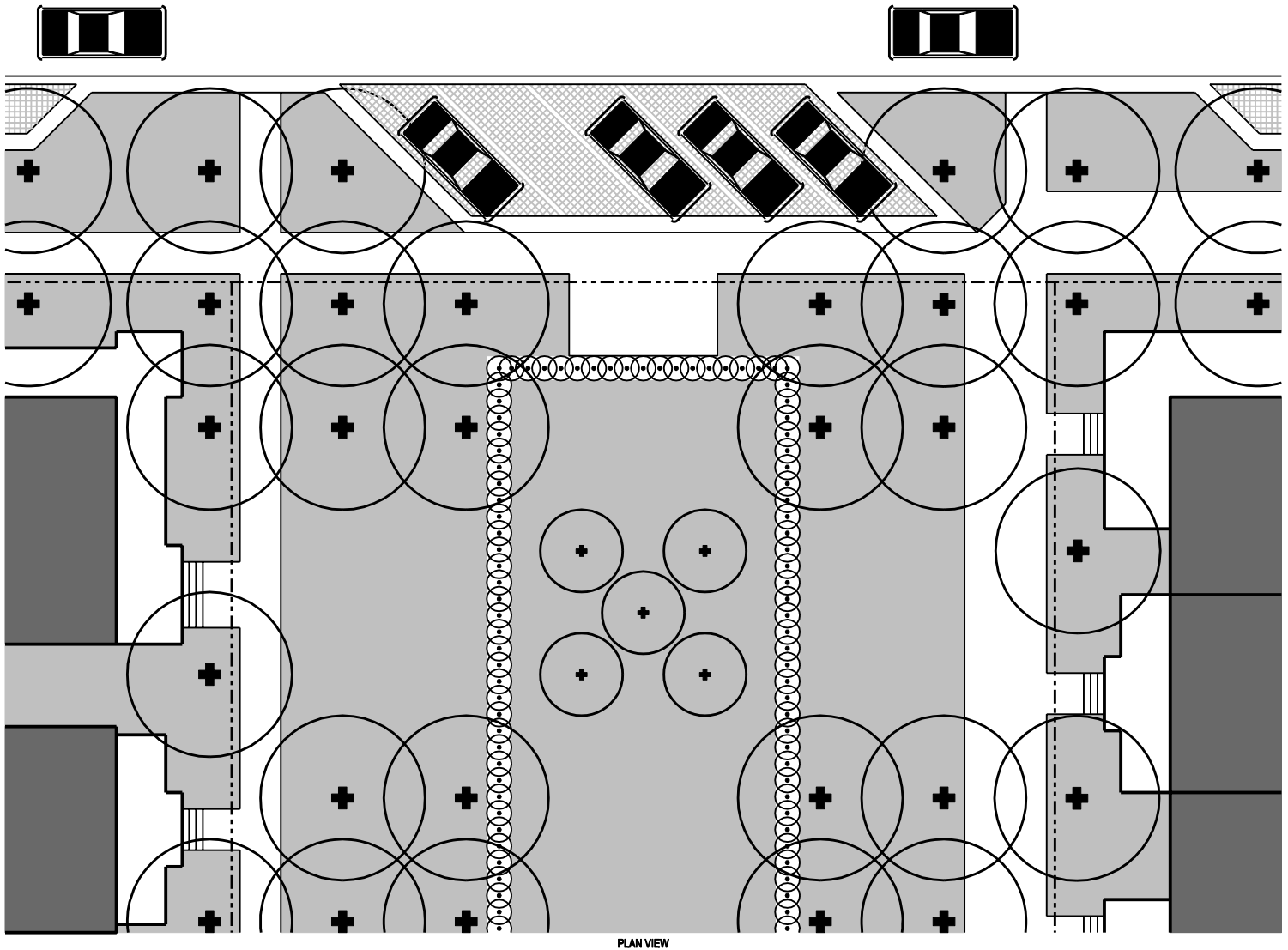
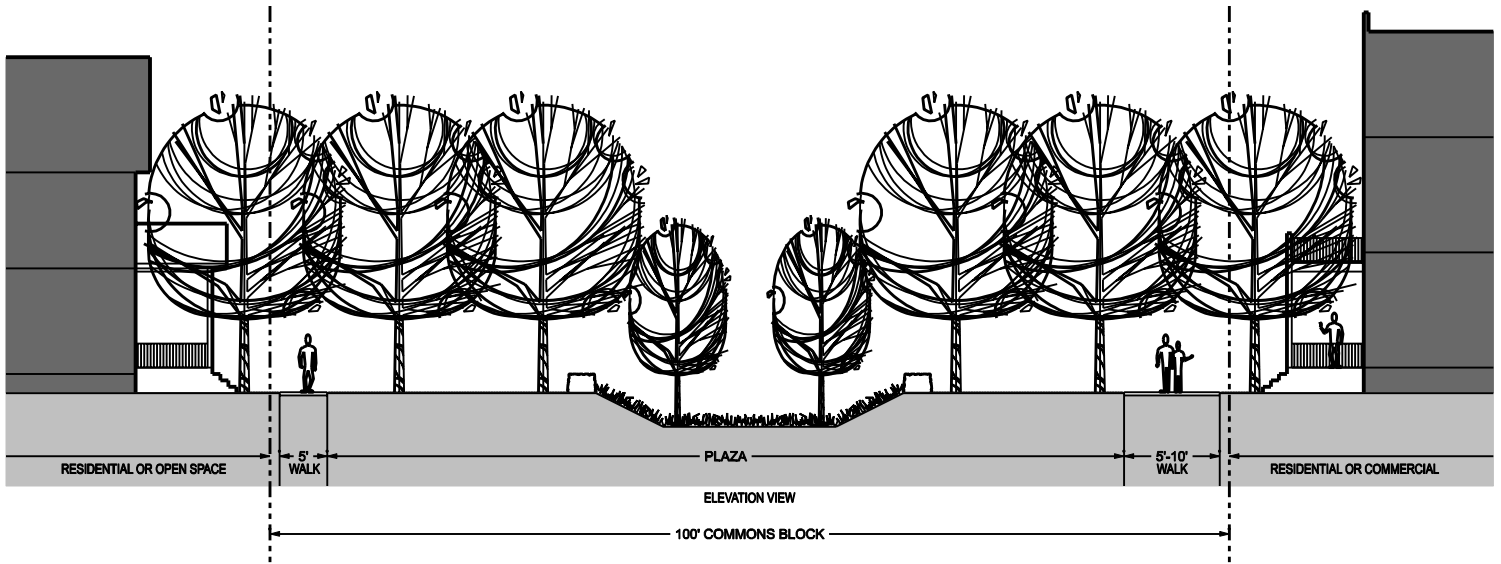


The Legacy

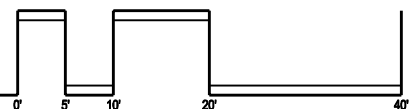


Street Type H, with Pavement Section 1
Plan Detail of Promenade at North Intersection

PREPARED FOR: EAST CARMEL, LLC
PREPARED BY: PLATINUM PROPERTIES, LLC



The Legacy



Street Type I
Section Through Commons Block, w/ Parking at Cross Streets

PREPARED FOR: EAST CARMEL, LLC
PREPARED BY: PLATINUM PROPERTIES, LLC

The Legacy Street Standards

The following standards shall apply to The Legacy:

1. Pavement sections shall be as shown on the following sheet titled “The Legacy – Pavement Section Types”.
2. Roadways and pedestrian walks & paths, both public and private, are permitted within the “Open Spaces” at Developer’s discretion.
3. Utilities, irrigation systems, signage, lighting and similar infrastructure may be located within the public rights-of-way at Developer’s discretion and will require a Consent to Encroach Agreement with the City of Carmel which will require Board of Public Works approval with the exception of irrigation systems which can be approved by the City Engineer.
4. The minimum horizontal centerline radius for Cherry Creek Boulevard shall be 400 feet. The minimum horizontal centerline radius for all other public streets shall be 100 feet provided that safe stopping sight distance is provided within the right-of-way.
5. The minimum tangent between reverse curves for Cherry Creek Boulevard shall be 100 feet. The minimum tangent between reverse curves for all other public streets shall be zero (0) feet.
6. The minimum curb radius at an intersection for public streets shall be 20 feet with a right-of-way radius of 10 feet with the exception of public streets within the Urban Residential, Primary Office, and Village Core Use Blocks where the minimum right-of-way radius is zero (0) feet. The minimum curb radius at an intersection for public streets intersecting with River Road shall be 40 feet with a right-of-way radius of 30 feet.
7. The minimum curb radius at an intersection with a public street for alleys, private streets, frontage places and/or curb cuts shall be 20 feet.
8. All culdesacs shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet and a minimum pavement diameter of seventy six (76) feet, or other approved arrangement for the turning of all vehicles conveniently within the right-of-way.
9. The maximum length of a cul-de-sac street shall not exceed 750 feet.
10. Concrete sidewalks shall be a minimum of five (5) feet wide, 4 inches thick, placed on grade.
11. Asphalt walking, bike and multi-purpose paths shall have a pavement section consisting of 110 lbs/sy of #11 bituminous surface placed over

- 200 lbs/sy of #8 bituminous binder placed over 5" of compacted #53 aggregate base.
12. The use of "Permeable Pavers" may be used in alleys, parking lanes, parking lots, crosswalks and/or gutters at Developer's discretion. "Permeable Pavers" and/or other alternative Low Impact Development (LID) pavement sections may also be used in travel lanes if approved by the City Engineer.
 13. Placement of asphalt pavement and concrete curb infrastructure within public right-of-way shall be in accordance with the City of Carmel Right-of-Way Paving Policy and Concrete Curb Policy respectively.
 14. The minimum separation between the centerline of successive full access existing and proposed entrances/intersections on River Road shall be 500 feet with the exception of the first full access entrance/intersection south of 146th Street which shall have a centerline separation of no less than 300 feet from 146th Street. Right-in/Right-out access points may be allowed in shorter intervals if approved by the City Engineer.
 15. The minimum separation between the centerline of successive public right-of-ways within the Legacy District shall be 150' provided that this spacing does not create a public safety issue (limited sight distance, conflicting left turn access, excessive traffic stacking for turns onto one public street and blocking another one, etc.). Alleys, private streets, frontage places, one-way pairs, and curb cuts are exempt.
 16. The minimum separation between the centerline of a residential driveway and the centerline of the right-of-way of an adjacent public street shall be 55'.
 17. If the City is petitioned to take over private streets and/or alleys within the Legacy District, said street or alley must be improved to the current governing City standards as determined by the City Engineer prior to acceptance at the sole expense of the petitioner unless otherwise waived by majority passage of the Carmel City Council.
 18. There shall be no intersections of more than two (2) cross streets within the Legacy District unless a roundabout is installed and adequate sight distance is provided on the roundabout.
 19. In conjunction with other Low Impact Development (LID) practices (i.e. bioswales in common area median, or permeable pavers) the minimum street grade shall be 0% if approved by the City Engineer. If no LID practices are used, the minimum street grade shall be 0.5% ($\frac{1}{2}\%$).

EXHIBIT 7
SITE REQUIREMENT MATRIX – LARGER DETACHED DWELLINGS

DEVELOPMENT STANDARDS

<i>Minimum Lot Width at Building Line</i>	<i>Minimum Lot/Parcel Size</i>	<i>Minimum Lot Frontage at Street</i>	<i>Minimum Front Yard Setback¹</i>	<i>Minimum Side Yard Setback</i>	<i>Minimum Aggregate Side Yard Setback</i>	<i>Minimum Rear Yard Setback</i>	<i>Maximum Building Height</i>	<i>Minimum Square Footage²</i>
90 ft.	12,000 sf.	40 ft.	20 ft.	5 ft.	20 ft.	20 ft.	35 ft.	2400 sf.

ARCHITECTURAL STANDARDS

<i>Permitted Building Materials</i>	<i>Required Window Openings</i>	<i>Garage Type</i>	<i>Chimneys</i>	<i>Porch</i>	<i>Roofline</i>	<i>Fences</i>
Masonry, Wood, Cementitious Board	2 per level, per façade. ³ All windows shall be fully framed and trimmed	Court-, side-, or front-loading. Front loading garages must be recessed at least 3' back from the primary front façade of the Dwelling. All garages shall be a minimum of a two (2) car garage, and tandem garages are prohibited.	Masonry, extended fully to ground and above ridgeline ⁴	At least six feet deep, consistent materials/design with Dwelling ⁵	Primary roof shall have 6/12 pitch. ⁶ 12" overhang after installation of siding.	Fences shall not be chain-link or coated chain-link.

Legend
ft. – Feet
sf. – Square Feet

¹Provided, however, that the front yard setback for Dwellings with rear loaded garages shall be 15 ft. and the front yard setback for Dwellings with courtyard garages shall be 25 ft.

²Exclusive of porches, terraces, and garages.

³Provided, however, that (i) windows shall not be required on the sides of front loaded garages and (ii) a vent may be substituted for a window on a gable.

⁴Provided, however, that chimneys which protrude from inside the Dwelling may also have cementitious board as their exterior building material.

⁵Porches are not required on all Dwellings. If no porch is provided, the entryway should be covered and deep enough to provide shelter at the front door, as well as provide an appropriate and adequate level of detail.

⁶In order to permit diversity in architectural style, this requirement shall apply only to a majority of residences.

Exhibit 7

Larger Detached Dwellings



LEGACY

EXHIBIT 8**SITE REQUIREMENT MATRIX – SMALLER DETACHED DWELLINGS****DEVELOPMENT STANDARDS**

<i>Minimum Lot Width at Building Line¹</i>	<i>Minimum Lot Size</i>	<i>Minimum Lot Frontage at Street</i>	<i>Minimum Front Yard Setback</i>	<i>Minimum Side Yard Setback</i>	<i>Minimum Rear Yard Setback²</i>	<i>Maximum Building Height</i>	<i>Minimum Square Footage³</i>
80 ft.	8,000 sf.	40 ft.	10 ft. for Dwellings with an Alley in the rear, 20 ft. for Dwellings with a courtyard side-entry garage, and 25 ft. for all other Dwellings.	3 ft.	6 ft. for Dwellings with an Alley in the rear, and 20 ft. for Dwellings with a driveway in the front yard.	35 ft.	1,700 sf.
70 ft.	7,000 sf.	30 ft.	See above.	3 ft.	See above.	35 ft.	1,400 sf.
60 ft.	6,000 sf.	30 ft.	See above.	3 ft.	See above.	35 ft.	1,400 sf.
51 ft.	5,000 sf.	30 ft.	See above.	3 ft.	See above.	35 ft.	1,400 sf.
50 ft. Alley-accessed	2,625 sf.	25 ft..	10 ft.	3 ft.	6 ft.	35 ft.	1,200 sf.
40 ft. Alley-accessed	2,625 sf.	25 ft.	10 ft.	3 ft.	6 ft.	35 ft.	1,200 sf.
30 ft. Alley-accessed	2,500 sf.	25 ft.	10 ft.	3 ft.	6 ft.	35 ft.	1,200 sf.

ARCHITECTURAL STANDARDS

<i>Permitted Building Materials</i>	<i>Required Window Openings</i>	<i>Garage Type</i>	<i>Chimneys</i>	<i>Porch⁶</i>	<i>Roofline</i>	<i>Fences</i>
Masonry, Wood, Cementitious Board	2 per level, per façade. ⁴ All windows shall be fully framed and trimmed.	Court-, side-, or front-loading. Front loaded garages must be recessed at least 3' back from primary front façade of Dwellings. Detached CCRC Cottages are permitted to have one (1) car garages, and all other Smaller Detached Dwellings shall have a minimum of a two (2) car garage.	Masonry, extended fully to ground, above ridgeline ⁵	At least six feet deep, consistent materials/design with house.	Primary roof shall have 6/12 pitch. ⁷ 12" overhang after installation of siding.	Fences shall not be chain-link, or coated chain-link.

Legend

ft. - Feet

sf. – Square Feet

¹Dwellings on Lots which are less than or equal to 50 ft. in width at the building line must be alley accessed.²For Dwellings on Alleys, the rear yard setback is measured from the edge of the Alley closest to the Dwelling.³Exclusive of porches, terraces, and garages.⁴Provided, however, that (i) windows shall not be required on the sides of front loaded garages and (ii) a vent may be substituted for a window on a gable.⁵Provided, however, that chimneys which protrude from inside the Dwellings may also have cementitious board as their exterior building material.⁶Porches are not required on all Dwellings. If no porch is provided, the entryway should be covered and deep enough to provide shelter at the front door, as well as provide an appropriate and adequate level of detail.⁷In order to permit diversity in architectural style, this requirement shall apply only to a majority of Dwellings.

Exhibit 8

Smaller Detached Dwellings



LEGACY



EXHIBIT 9**SITE REQUIREMENT MATRIX – BUILDINGS CONTAINING ATTACHED DWELLINGS AND APARTMENTS****DEVELOPMENT STANDARDS**

<i>Maximum Height of Buildings</i>	<i>Minimum Floor Area per Unit</i>	<i>Minimum Front Yard</i>	<i>Minimum Perimeter Yard</i>	<i>Minimum Distance Between Buildings</i>
60 ft.	750 sf.	0 ft.	0 ft.	10 ft.

ARCHITECTURAL STANDARDS

<i>Permitted Building Materials</i>	<i>Required Window Openings</i>	<i>Parking</i>	<i>Wall Planes</i>	<i>Porch/Entryways</i>	<i>Roofline</i>
Masonry (excluding stucco, synthetic stucco, and EIFS), pre-cast concrete and cementitious board as primary material on first floor; other sidings (excluding vinyl) are permitted on upper floors.	2 per level, per exposed façade. ¹ All windows shall be fully framed and trimmed. Skylights and light wells in internal corridors are encouraged. Windows should be staggered to preserve privacy.	Covered parking must match primary building materials. Parking lots shall be landscaped, and provide pedestrian access to and within the Attached Dwelling and Apartments. Guest parking should be clearly marked.	Walls shall not have unbroken planes greater than sixty (60) feet in length. Units may be differentiated by plane and material changes, and separate entrances.	Stoops should be covered to provide shelter. Individual porches, balconies, stoops, or similar outdoor spaces are encouraged, on the front and/or the rear of the building.	Rooflines shall not have unbroken lines greater than sixty (60) feet in length. If flat roofs are used, a rooftop amenity such as a deck or garden should be installed.

¹A vent may be substituted for a window on a gable.

Legend

ft. – Feet

sf. – Square Feet

Exhibit 9

Attached Dwellings and Apartments



LEGACY

EXHIBIT 10**SITE REQUIREMENT MATRIX - COMMERCIAL BUILDINGS****DEVELOPMENT STANDARDS**

<i>Minimum Lot/Parcel Area</i>	<i>Minimum Lot/Parcel at Frontage Street</i>	<i>Maximum Front Yard Setback</i>	<i>Minimum Side Yard Setback</i>	<i>Minimum Rear Yard Setback</i>	<i>Minimum Lot Width at Building Line</i>	<i>Minimum Building Height</i>	<i>Maximum Building Height</i>	<i>Minimum Square Footage</i>	<i>Maximum Parcel Coverage</i>
N/A	N/A	15 ft.	0 ft.	5 ft.	N/A	1 story unless otherwise specified in the Legacy Ordinance	60 ft.	N/A	N/A

ARCHITECTURAL STANDARDS

<i>Permitted Building Materials</i>	<i>Required Window Openings</i>	<i>Parking</i>	<i>Wall Planes</i>	<i>Signage</i>	<i>Roofline</i>	<i>Screening</i>
See following pages.	Windows shall be pedestrian scale. Storefronts should maximize transparency and have appropriate signage and lighting.	The bulk of parking should be provided behind and to the sides of the building. Some parking may be provided on-street.	Walls shall not have unbroken planes greater than sixty (60) feet in length. Units within buildings may be differentiated by plane and material changes, and separate entrances.	See signage provision within Legacy PUD. Signs handled in a creative manner, such as painted walls, may also be considered.	Rooflines shall not have unbroken lines greater than sixty (60) feet in length.	All dumpster enclosures, loading docks, etc. shall be screened by an enclosure constructed with matching materials

Note – Additional Architectural Standards are on next pages.

Legend

ft. – Feet

sf. – Square Feet

N/A – Not Applicable

EXHIBIT 10 CONTINUED

COMMERCIAL BUILDING ARCHITECTURAL STANDARDS

1. Introduction

The architectural standards in this section describe exterior Building elements and Building composition that are appropriate for a mixed-use, pedestrian-scaled traditional neighborhood. These standards are not presented as subjective value judgments of style and architectural preferences, but instead are intended to illustrate the basics of architectural design that will give the Legacy District a diverse, yet complementary set of Buildings that work with the streetscape and urban design of the community. Individual Buildings should be designed so as to contribute to the overall character of the Legacy District. The intertwining of community architectural design values and individual architectural contributions will ensure compatibility, authenticity, and quality within the Legacy District as a whole.

The standards contained in this Exhibit 10 are based on traditional design principles pertaining to overall massing, proportions, and the contextual relationship to the street and neighboring Buildings. The architectural design standards establish consistent design elements ensuring its “timeless” character, while allowing flexibility for a diversity of architectural expressions.

2. Building Design

A. Building Design Standards

Buildings shall be generally oriented parallel and perpendicular to the street. Flexibility shall be permitted in Building orientation to provide for maximum sun exposure to the street and open spaces, or as the street layout dictates.

Pedestrian scale detailing shall be provided on the front elevation of the Building at the ground level.

End or corner segments of Buildings should generally have an additional level, decorative articulation or roof detail.

The first floor and all other floors shall have a coordinated composition, which will usually be indicated by the alignment of upper floor windows and other features with openings and features of the first floor.

In Buildings which contain ground-floor commercial uses and which are not located in the Corner Use Block, the ground floor should generally be at least 12 feet to 14 feet high and should be of a greater height than the upper floors.

Continuous facades more than sixty (60) feet wide shall be designed with vertical offsets at intervals which evenly divide the facade into halves, thirds, or quarters, etc., or shall be designed at intervals not less than sixty (60) feet, whichever is less. These offsets may be projecting, recessed, or may be a simple change in Building material or detailing.

B. Fences and Screening

Fence construction along the front facade shall be decorative, such as wrought-iron style, decorative wood, or a courtyard wall.

Ground level mechanical/telecommunication equipment visible from a public street shall be screened with suitable landscaping, walls, or fencing in general architectural compatibility with the Building(s) with which it is associated.

Rooftop mechanical/telecommunication equipment shall be fully screened on all sides using parapets, penthouse screens or other similar methods which are integrated into the overall Building design.

C. Materials

The visual appeal of a Building's materials has a tremendous impact on the perception of its quality. High-quality, robust and tactile finish materials project feelings of warmth, permanence, and timelessness. The relationship and use of materials, textures, details and color of a new Building's principal facades shall be visually compatible with and similar to those adjacent Buildings or shall not contrast conspicuously. Durable materials are especially critical at the street level where pedestrian contact will be considerable.

Exterior materials shall be durable and of high quality, such as Masonry, pre-cast concrete, concrete block, face brick, poured concrete, split face, scored split, scored smooth, or fluted masonry units, Quick Brick (brick look type Concrete Masonry Units), and high-quality siding of wood or fiber-cement. Non-durable materials such as thin layer synthetic stucco products shall not be used within eight (8) feet of the ground.

The first floor and upper floors may be composed of different materials.

The materials in the rear of the Building must be coordinated with the front facade, although they may be different.

Front and side facades of Buildings located on corner lots shall be of the same materials and similarly detailed.

Appropriate materials for the following Building elements are as follows

- Windows: wood, vinyl clad wood, vinyl, anodized aluminum, aluminum-clad wood.
- Doors: wood, anodized aluminum, faux wood, steel (security doors).
- Trim: wood, synthetics.
- Visible roofing: standing seam metal, zinc, architectural asphalt shingles, slate and high-quality synthetic slate, tile, and wood shake.

Exterior walks, steps, stoops and paving shall be masonry or stone pavers, or poured or pre-cast concrete. Exterior stair handrails and other stair details shall be stone, pre-cast concrete, wrought-iron style, wood, simulated wood products, or another decorative material.

3. Windows

A. Window Standards

All window design shall be architecturally compatible with the style, materials, color, details and proportion of the Building. The number of panes, the way the window opens, the trim around it and whether it is embellished with shutters must be consistent with the architectural style of the structure.

Windows should be provided on all facades. Exceptions shall be made for certain architectural styling, faux windows (such as “trompe l’oeil”), and other details that imitate windows in locations where actual windows are not appropriate; provided, however, that any such techniques shall be architecturally compatible with the style, materials, color, details and proportion of the Building. Appropriate techniques do not include the use of shutters without glass, or the use of spandrel glass at the street level.

Windows shall generally be vertically proportioned.

Windows shall be rhythmically spaced in a pattern compatible with the form of the Building. Where Buildings are located on corners, the window style and details shall complement the facades on the facing streets.

Windows shall be recessed in their openings and not flush mounted with the wall, and shall appear as individually “punched” through the wall rather than as adjacent windows separated by frames.

At street level, glazing shall be clear or slightly tinted glass (not opaque nor highly reflective).

Metal screens or bars shall not be permitted to cover window openings.

Special windows are allowed (ovals, hexagons, etc.) as accents.

For Buildings which are intended to have ground-floor commercial uses and which are not located in the Corner Use Block, at least sixty percent (60%) of the total area of the first floor facade (up to the line of the second floor elevation) shall be transparent vision glass. Upper floors of Multi-Story Buildings should have 20-40% transparency.

B. Shutters

Where appropriate to the design of a Building, paneled or louvered shutters shall be provided on all windows visibly exposed to a street or common open space.

Shutter style shall match the window and architectural style of the Building, and shall be sized to match actual window dimensions.

Single shutters shall not be used on double or larger windows.

Shutter materials should generally be wood, fiberglass, or a high-quality composite. Plastic shutters are not permitted.

Shutters shall either be operable or appear to be operable through the use of non-visible fasteners that create a slight projection where the shutter is affixed to the outer edge of the window.

4. Entrances

Primary entrances shall be defined and articulated by elements such as lintels, pediments, pilasters, columns, porticos, porches, canopies, and other design elements appropriate to the architectural style and details of the Building as a whole.

A corner entrance is permitted at corner Buildings to improve visibility and pedestrian circulation, and to accentuate the corner. Corner entrances should be angled to address both streets.

Entrances to upper floors shall be clearly distinguished from storefront entrances through differentiated architectural treatment and materials.

Anodized metal, bright aluminum, or stainless steel frames, or fully glazed (frameless) doors shall be avoided. Finished frames may be metal with black anodized or painted finish (only “wide stile” frames), however, painted, stained, or varnished wood is preferable.

5. Roofs and Cornices

A. Cornices and Parapet Walls

1. There shall be articulation and detailing where the roof meets the wall, including cornices, eaves or rakes. Moldings, brackets, and finials can be used as special elements added to the cornice.
2. Flat roofs should have a parapet wall or similar decorative feature on the Building’s front and sides.
3. In larger scale Buildings, extended parapets, projecting cornices, pitched or slope roofs, or decorative moldings of fourteen (14) inches or more are required to give the roof/cornice proper visual weight and proportion to the Building.
4. Important architectural features, such as the cornice lines, shall be aligned from Building to Building provided, however, that there should be adequate variation to allow for an organic quality to the architecture without detracting from the coherence of the street wall.

B. Roof Shape

1. Traditional roofs are typically “flat” (sloped 1”-in-12” or less) hidden behind parapet walls. However, some sloped roofs, including gable, hipped, and shed roofs are also acceptable if sloped between 4”-in-12” and 12”-in-12”. Mansard, gambrel, and domed roofs shall adhere to traditional forms and proportions. False roofs are generally inappropriate and should only be used in limited situations. In general, architectural solutions shall be used to best conceal mechanical equipment, particularly in rooftop applications.
2. Sloped roof heights from eave to peak shall not exceed the height from grade to eave (the roof shall not be taller than the Building wall supporting the roof).
3. On corner sites, the roof and cornice design shall be appropriate for both corner sides of the Building.

C. Roofing Color

Visible roof materials should be muted in color (dark reds, browns and earth-tones, natural metal colors including aluminum, dark anodized aluminum, zinc, tin and lead). White, bright, non-fading and high intensity colors, multicolored and bright metal finishes are inappropriate on visible rooftops. However, colors should be considered in the context of the effect of heat absorption, especially on flat roofs.

D. Mechanical Equipment and Appurtenances

1. The form of the roof or cornice shall hide mechanical equipment and roof penetrations, such as plumbing stacks and vents, from view from streets and sidewalks.
2. Downspouts can be used where appropriate for the architectural design of the Building.
3. Gutters and downspouts should be located to respect the architectural lines of the Building and shall not be affixed to columns or other prominent Building elements.
4. Downspouts shall be oriented so as to not discharge water into pedestrian areas.

6. Accents and Projections

A. Bays and Projections

1. Steps, stoops, porches, chimneys and bay windows may extend into yard setbacks up to the property line.
2. Bay windows and storefronts are permitted to project three (3) feet from the main Building façade.
3. Bay windows shall be vertically proportioned and shall tightly frame an appropriately sized and styled window.
4. Overhangs and eaves shall be shallower than the main roof form and be consistent on all sides.
5. Cornices and eaves shall have a maximum projection of four (4) feet or 15% of the Building height, whichever is less.

6. Awnings, canopies, cornices, eaves, balconies and Building-mounted signage may extend into yard setbacks and any rights-of-way, subject to the review and approval of the Director, but shall not exceed the width of the sidewalk or multi-use path below. The lowest portion of any projection extending into a right-of-way shall be a minimum of eight (8) feet from the ground level in order to provide clear passage for pedestrians and bicyclists.

B. Towers and Vertical Elements

1. Towers and vertical elements are encouraged on prominent Buildings, particularly those that serve as street or view corridor terminus.
2. Any vertical Building elements shall be compatible with the design of the Building as a whole. Towers and vertical elements should not overpower a Building façade and shall be used only as an accent in special locations.
3. Height requirements for Buildings may be waived for vertical Building appurtenances such as chimneys, spires, turrets, cupolas, belfries, and towers designed for functional or ornamental purposes to articulate the design of a Building, especially if appropriate to a special Building type or historically-based style.

C. Balconies

1. The use of flower boxes and plantings is encouraged on balconies and windows.
2. Deeper balconies that are intended to be usable may have simple awnings, canopies, or trellises.
3. Balcony railings shall be designed for transparency so that the Building wall can be seen from the street.

D. Awnings

1. Fixed or retractable awnings are permitted if they complement a Building's architectural style, material, color, and details; do not impair facade composition; and are designed as an integral part of the facade.
2. Awnings shall be covered in natural cloth fabric like canvas (not vinyl). Metal, aluminum or plastic awnings are not permitted, provided, however, that high-quality decorative metal elements that mimic awnings may be permitted in commercial areas if they are consistent with the Building design and area character.
3. In Buildings with multiple storefronts, compatible awnings shall be used as a means of unifying the structure.
4. Oversized and continuous awnings are not permitted.
5. Backlit or glowing awnings or canopies are not permitted.

Exhibit 10

Commercial Buildings



LEGACY

Exhibit 11

Corner Use Block Commercial Buildings



LEGACY



EXHIBIT 12
SITE REQUIREMENT MATRIX – CCRC MULTI-UNIT BUILDING

DEVELOPMENT STANDARDS

<i>Minimum Tract Area</i>	<i>Minimum Front Yard Setback</i>	<i>Minimum Rear Yard Setback</i>	<i>Maximum Parcel Coverage</i>	<i>Maximum Gross Floor Area</i>	<i>Minimum Side Yard Setback</i>	<i>Maximum Building Height—CCRC Detached Dwelling</i>
10 acres ¹	10 ft.	5 ft.	40%	N/A	5 ft.	35 ft.

ARCHITECTURAL STANDARDS

<i>Permitted Building Materials</i>	<i>Required Window Openings</i>	<i>Parking</i>	<i>Wall Planes</i>	<i>Porch/Entryways</i>	<i>Roofline</i>	<i>Open Space/Green Space</i>
Masonry (excluding stucco, synthetic stucco, and EIFS), precast concrete and cementitious board as primary material on 1 st floor; other sidings (excluding vinyl) are permitted on upper floors.	2 per level, per exposed façade ² . All windows shall be fully framed and trimmed. Skylights and light wells in internal corridors are encouraged. Windows should be staggered to preserve privacy.	Covered parking must match building materials. Parking lots shall be landscaped, and provide pedestrian access to and within the attached residential area. Guest parking should be clearly marked.	Walls shall not have long, unbroken planes. Units may be differentiated by plane and material changes, and separate entrances.	Stoops should be covered to provide shelter. Individual porches, balconies, stoops, or similar outdoor spaces are encouraged, on the front and/or the rear of the structure. Entryways should be clearly delineated.	Rooflines shall not have long, unbroken lines. If flat roofs are used, a rooftop amenity such as a deck or garden should be installed.	Full connectivity to the rest of the project should be provided. Amenities such as benches, individual garden plots, and internal walking paths should also be provided.

Legend

ft. – Feet

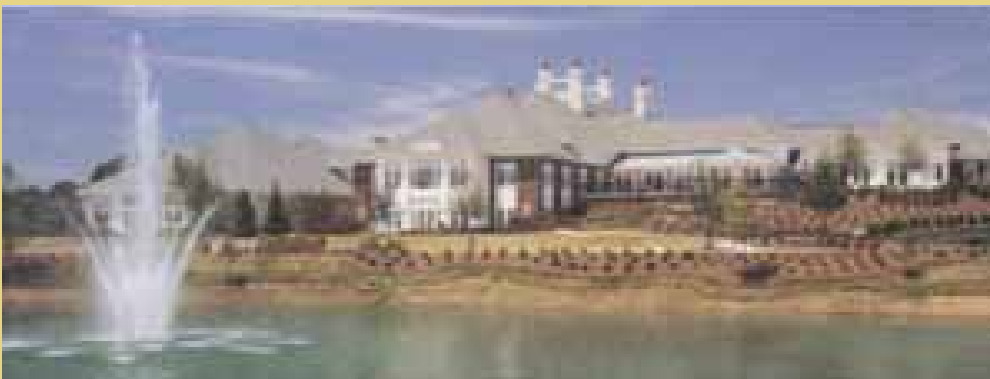
sf. – Square Feet

¹Dedicated land for additional right-of-way along existing streets as part of an application for approval of a CCRC shall be counted as part of that minimum tract area. Minimum tract area may also include contiguous lands in adjoining zones if such lands are restricted to undisturbed open space.

²A vent may be substituted for a window on a gable.

Exhibit 12

CCRC Multi Unit Building



LEGACY

Exhibit 13

Open Space Character Illustrations



LEGACY

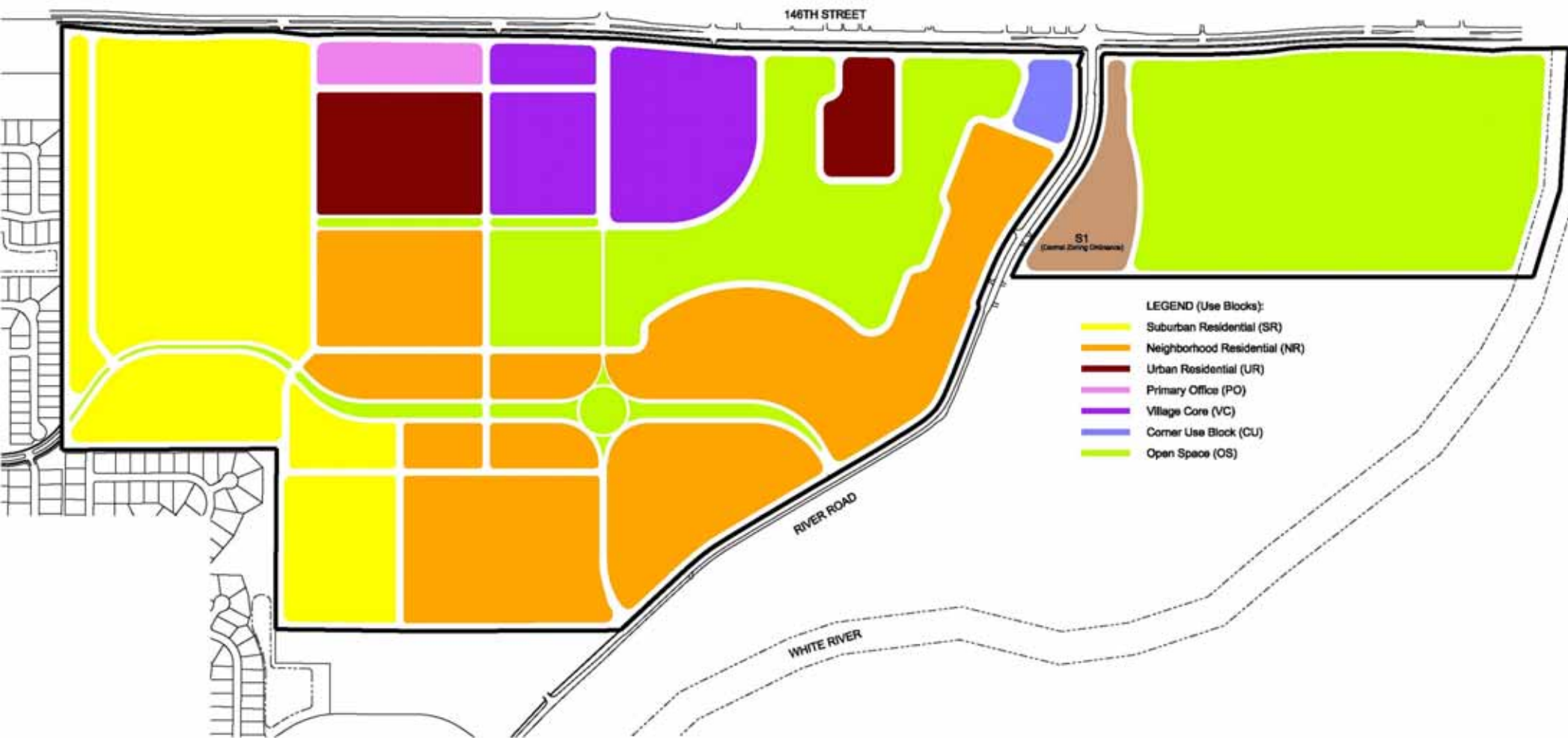


Exhibit 13

Bio-swale Character Illustrations



LEGACY



THE LEGACY



EXHIBIT 14 – USE TABLE

NOTE: The uses specified below which are not defined in the Legacy PUD shall have the meaning, if any, ascribed to them in the Zoning Ordinance.

LEGEND

P = Permitted
 Blank = Not Permitted
 SU = Special use
 SR = The Suburban Residential Use Block
 NR = The Neighborhood Residential Use Block
 UR = The Urban Residential Use Block

LEGEND – CONTINUED

PO = The Primary Office Use Block
 VC = The Village Core Use Block
 CU = The Corner Use Block
 OS = The Open Space Use Block

Residential Uses	SR	NR	UR	PO	VC	CU	OS
Larger Detached Dwellings	P	P					
Smaller Detached Dwellings		P	P		P		
Attached Dwellings – For Sale	SU	P	P		P	P	
Apartment/Apartment Complex			P		P	P	
Accessory Dwellings	P	P	P		P	P	
Home Occupation	P	P	P		P		
Bed & Breakfast Inn		SU	P		P	P	
Nursing/Retirement/Convalescent Facility/CCRC		P	P	P	P	P	
Loft and Loft Model			P	P	P	P	
Amenity Area	P	P	P				P

Office Uses	SR	NR	UR	PO	VC	CU	OS
Clinical or Medical Health Center				P	P	P	
Research Laboratory or Facility				P	P	P	
General Offices				P	P	P	
Professional Offices				P	P	P	
Training Facility				P	P	P	

Institutional Uses	SR	NR	UR	PO	VC	CU	OS
Church/Temple/Places of Worship	SU	SU	SU	P	P	P	
Hospital							
Surgery Center				P	P	P	
Urgent Care Facility				P	P	P	
Rehabilitation Facility				P	P	P	
Physical/Occupational Care				P	P	P	
Library		SU	SU	P	P	P	
Post Office		SU	SU	P	P	P	
Public Service Facility		SU	SU	P	P	P	

Educational Uses	SR	NR	UR	PO	VC	CU	OS
School, Trade or Business				P	P	P	
College or University				P	P	P	
Day Nursery/Day Care				P	P	P	
Kindergarten/Preschool				P	P	P	
School of General Elementary or Secondary Education				P	P	P	

Retail & Service Uses	SR	NR	UR	PO	VC	CU	OS
General Retail Sales				P	P	P	
General Service				P	P	P	
Automobile Service Station/Gas Station					P	P	
Automobile/Truck Repair (indoor)					P	P	
Café			SU	P	P	P	
Commercial Kennel							
Dry Cleaning Establishment (w/on-site plant)							
Car Wash					P	P	

	SR	NR	UR	PO	VC	CU	OS
Catering Establishment					P	P	
Dry Cleaning Establishment (w/out on-site Plant)			SU	P	P	P	
Equipment Sales/Repair (indoor)					P	P	
Financial Institution (with drive-thru)					P	P	
Financial Institution (without drive-thru)			SU	P	P	P	
Automated Teller Machine (ATM)			SU	P	P	P	
Food Stand			SU		P	P	
Funeral Home/Mortuary/Crematory					P	P	
Restaurant with walk-up drive thru food sales					P	P	
Restaurant, without drive-thru sales			SU	P	P	P	
Roadside Sales Stand					P	P	
Tavern/Night Club			SU	P	P	P	
Veterinary Hospital with commercial kennel							
Veterinary Hospital without commercial kennel				P	P	P	
Wholesale Sales					P	P	

Cultural/Entertainment Uses	SR	NR	UR	PO	VC	CU	OS
Art Gallery					P	P	
Art & Music Center					P	P	
Hotel					P	P	
Hotel (full service)					P	P	
Indoor Theater					P	P	
Meeting or Party Hall				P	P	P	
Museum					P	P	

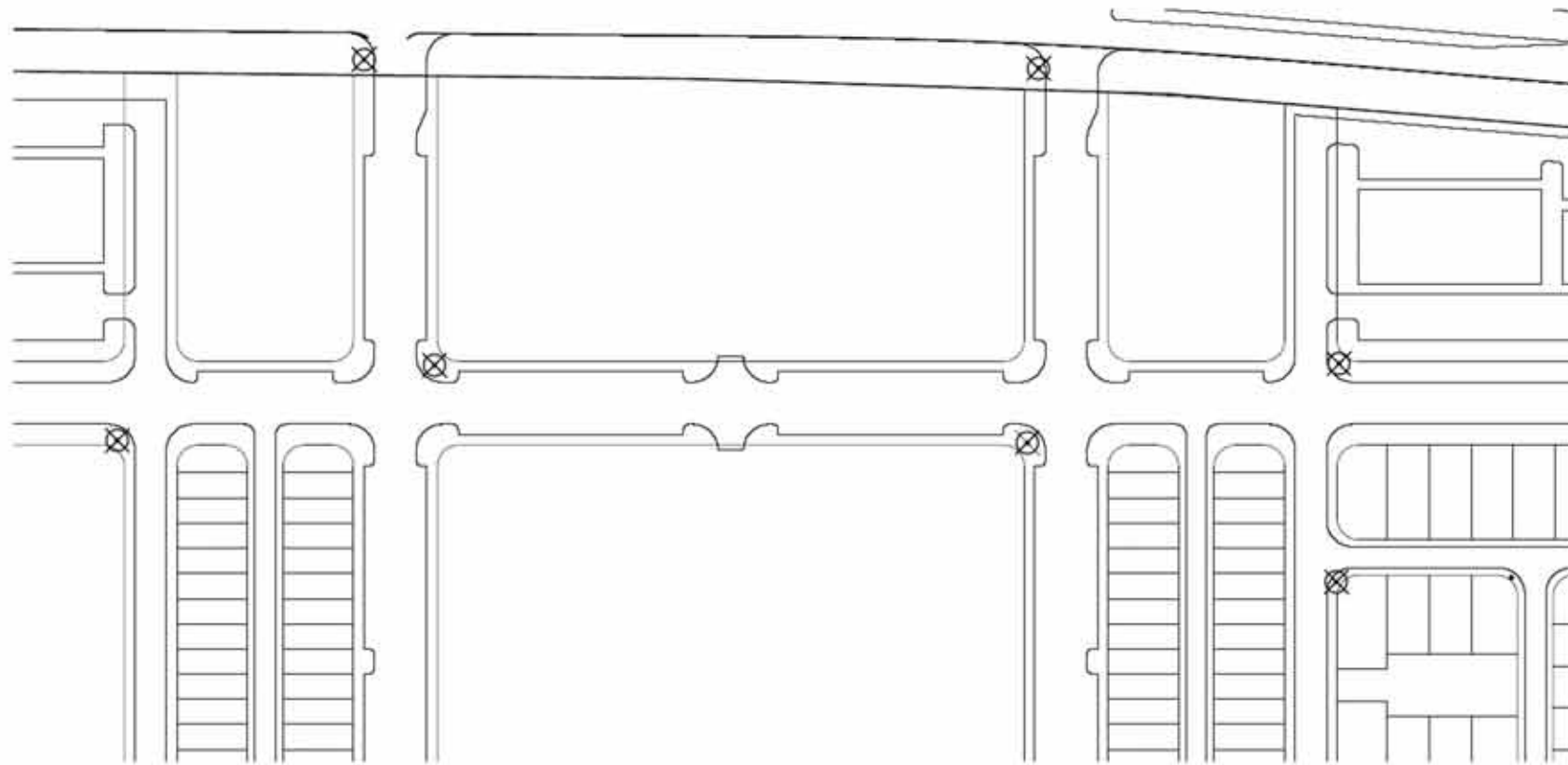
Recreational	SR	NR	UR	PO	VC	CU	OS
Commercial Recreational Facility, Indoor					P	P	
Commercial Recreational Facility, Outdoor							
Community Center				P	P	P	P
Health/Fitness Facility				P	P	P	P
Private Club or Lodge					P	P	
Private Recreational Facility					P	P	
Park, Public	P	P	P	P	P	P	P

Miscellaneous	SR	NR	UR	PO	VC	CU	OS
Artificial Lake or Pond	P	P	P	P	P	P	P
Commercial Parking Lot							
Commercial Parking Structure				P	P		
Private Parking Structure				P	P		

Temporary Uses	SR	NR	UR	PO	VC	CU	OS
Construction Facility	P	P	P	P	P	P	P
Display, Outdoor				P	P	P	P
Model Homes	P	P	P	P	P	P	
Outdoor Theatre					P	P	P
Sales, Outdoor					P	P	P
Sales, Seasonal Outdoor					P	P	P
Special Event, Outdoor					P	P	P

Transportation & Communication Uses	SR	NR	UR	PO	VC	CU	OS
Antenna ¹				P	P	P	
Collocated Antenna ¹				P	P	P	
Radio and/or Television Studio				P	P	P	
Radio/Television Transmission Antenna ¹				P	P	P	
Wireless Telecommunications Antenna ¹				P	P	P	

¹ If visually integrated with or camouflaged on or within another structure (including but not limited to a chimney stack, church spire, light standard, monument, penthouse, power line support device, or clock tower)



01 THE LEGACY
CONCEPTUAL TYPICAL LIGHTING PLAN - NON-RESIDENTIAL

L1.02

PLAN



02 THE LEGACY
CONCEPTUAL TYPICAL LIGHTING PLAN - RESIDENTIAL/BOULEVARD

L1.02

PLAN



03 THE LEGACY - TYPICAL CUT-OFF
POST TOP ACORN LIGHT FIXTURE

L1.02

NOT TO SCALE



04 THE LEGACY
TYPICAL TRAFFIC AND STREET SIGN

L1.02

NOT TO SCALE

LEGEND:

⊗ MAXIMUM HEIGHT POLE MOUNTED
LIGHT FIXTURE



KEVIN K. PARSONS & ASSOCIATES, INC.

landscape architecture land planning urban design

210 WEST 10TH STREET SUITE 2000 INDIANAPOLIS, INDIANA 46202
317.580.1100 FAX 317.580.0400

PREPARED FOR
PITTMAN PARTNERS

11711 N. PENNSYLVANIA AVE. SUITE 200
CARMEL, IN 46032
P: 317.573.6600
F: 317.580.0700
E-MAIL: WWW.PITTMANPARTNERS.COM

EXHIBIT 15

CONCEPTUAL
LIGHTING AND
TRAFFIC/STREET
SIGN PLAN

CERTIFICATION

**NOT
FOR
CONSTRUCTION**

**LEGACY -
A PLANNED UNIT
DEVELOPMENT**

CARMEL, INDIANA

PROJECT: 06510
DRAWN: JML

CHECKED: JML
SCALE: AS SHOWN
ISSUE DATE: 03.21.06
REVISION: 06.16.06

10.31.06 LIGHTING
11.17.06 LIGHTING
(LIGHTING PLAN)

L1.02





KEVIN K. PARSONS & ASSOCIATES, INC.

landscape architecture land planning urban design

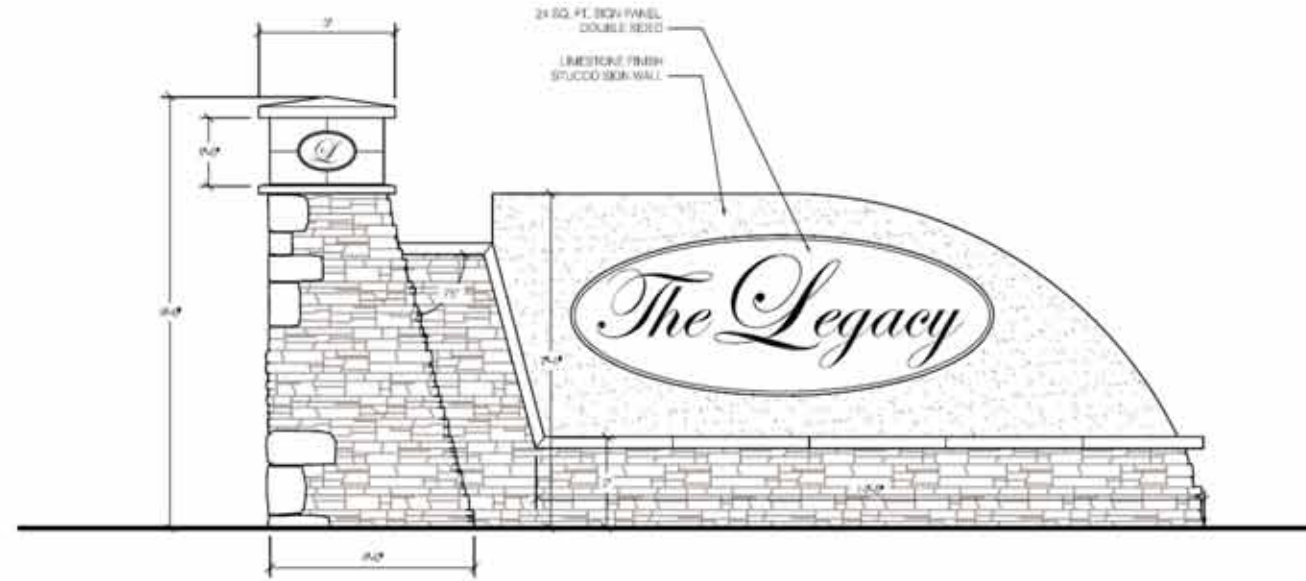
2120 WEST 10TH STREET SUITE 400 CARMEL, INDIANA 46032
317.580.5786 FAX 317.580.5400

PREPARED FOR
PITTMAN PARTNERS

11711 N. PENNSYLVANIA AVE. SUITE 200
CARMEL, IN 46032
P: 317.573.8692
F: 317.580.5786
E-MAIL: WWW.PITTMANPARTNERS.COM

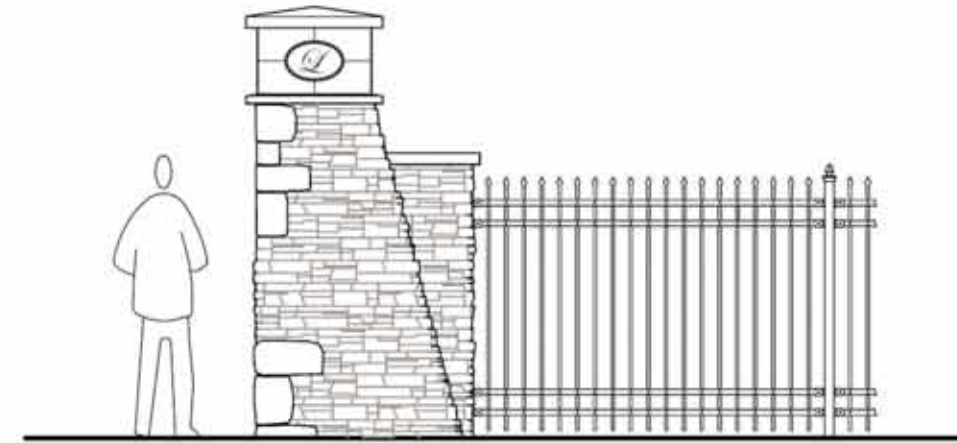
EXHIBIT 16

TYPICAL RESIDENTIAL AREA SIGNAGE



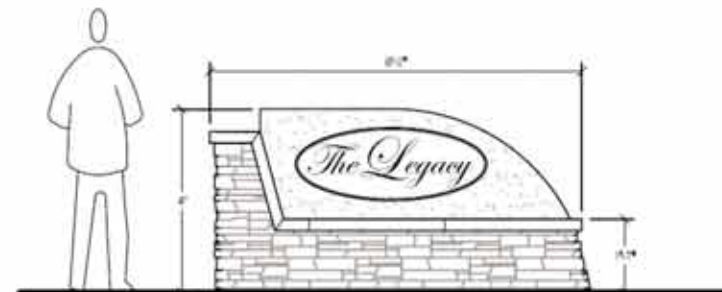
01 LEGACY
ENTRY WALL SIGN

1:1.00 1/8"=1'-0"



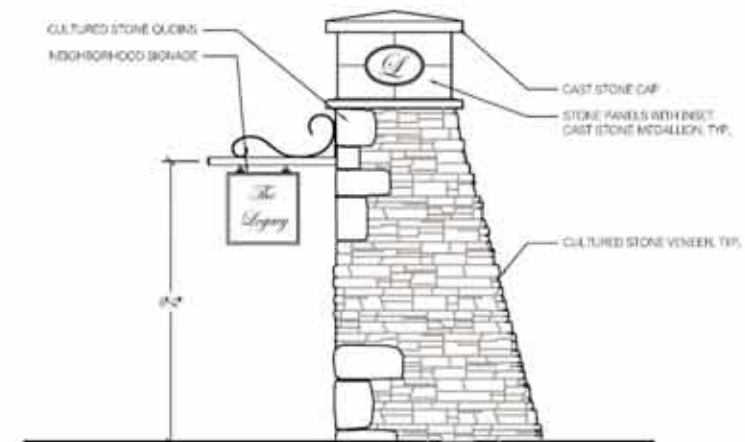
02 LEGACY
FENCE AND COLUMN

1:1.00 1/8"=1'-0"



04 LEGACY
INTERIOR DEVELOPMENT SIGN

1:1.00 1/8"=1'-0"



03 LEGACY
NEIGHBORHOOD SIGN COLUMN

1:1.00 1/8"=1'-0"

CERTIFICATION

**NOT
FOR
CONSTRUCTION**

**LEGACY -
A PLANNED UNIT
DEVELOPMENT**

CARMEL, INDIANA

PROJECT: 06510
DRAWN: JML
CHECKED: JML
SCALE: AS SHOWN
ISSUE DATE: 03.21.06
REVISION: 05.16.06

DESIGN

L1.03

EXHIBIT 17

River Parcel Legal Description

A part of Section 23 and Section 24, Township 18 North, Range 4 East of the 2nd Principal Meridian, Clay Township, Hamilton County, Indiana, described more particularly as follows:

Commencing at the northeast corner of said Section 23 thence North 89 degrees 15 minutes 40 seconds West (assumed bearing) along the north line of the Northeast Quarter of said Section 23 a distance of 337.40 feet; thence South 20 degrees 07 minutes 12 seconds West a distance of 149.74 feet to the southwest intersection of the rights-of-way of 146th Street and River Road as described in Instrument No. 200100065741 in the Office of the Recorder of Hamilton County, Indiana; thence South 86 degrees 23 minutes 21 seconds East a distance of 130.67 feet to the **Point of Beginning** being the southeast intersection of said rights-of-way for 146th Street and River Road (the following eight courses being along the southerly right-of-way of 146th Street per said Instrument No. 200100065741); (1) thence South 89 degrees 15 minutes 53 seconds East a distance of 423.63 feet to a point on a non-tangent curve to the left having a radius of 6650.26 feet, the radius point of which bears North 00 degrees 44 minutes 08 seconds East; (2) thence easterly along said curve an arc distance of 596.98 feet to a point which bears South 04 degrees 24 minutes 28 seconds East from said radius point; (3) thence North 81 degrees 27 minutes 58 seconds East a distance of 136.79 feet to a point on a non-tangent curve to the right having a radius of 6482.94 feet, the radius point of which bears South 04 degrees 24 minutes 29 seconds East; (4) thence easterly along said curve an arc distance of 556.05 feet to a point which bears North 00 degrees 30 minutes 23 seconds East from said radius point; (5) thence South 89 degrees 29 minutes 37 seconds East a distance of 126.94 feet; (6) thence South 86 degrees 38 minutes 21 seconds East a distance of 558.90 feet; (7) thence North 84 degrees 36 minutes 40 seconds East a distance of 110.62 feet; (8) thence North 89 degrees 25 minutes 33 seconds East a distance of 238.80 feet; thence continuing on the easterly extension of said right-of-way North 89 degrees 25 minutes 33 seconds East a distance of 115.74 feet to the middle of White River (the following two courses being along the middle of White River); (1) thence South 03 degrees 25 minutes 34 seconds West a distance of 868.05 feet; (2) thence South 17 degrees 02 minutes 49 seconds West a distance of 564.64 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 3212.80 feet to the easterly right-of-way of River Road per said Instrument No. 200100065741 being a point on a non-tangent curve to the right having a radius of 1443.57 feet, the radius point of which bears South 66 degrees 45 minutes 59 seconds East (the following five courses being along said easterly right of way); (1) thence northeasterly along said curve an arc distance of 311.27 feet to a point which bears North 54 degrees 24 minutes 43 seconds West from said radius point; (2) thence North 35 degrees 35 minutes 17 seconds East a distance of 426.04 feet to a point on a tangent curve to the left having a radius of 820.21 feet, the radius point of which bears North 54 degrees 24 minutes 43 seconds West; (3) thence northerly along said curve an arc distance of 507.62 feet to a point which bears South 89 degrees 52 minutes 19 seconds East from said radius point; (4) thence North 00 degrees 07 minutes 41 seconds East a distance of 258.32 feet; (5) thence North 34 degrees 37 minutes 42 seconds East a distance of 27.30 feet to the Point of Beginning, containing 95.82 acres, more or less.

Exhibit 18A



DESIGNWORKSHOP
1201 E. Main Street
Aspen, CO 81611
(970) 925-6104



The Legacy
146th Street Frontage Road Streetscape
Hillman Partners and Platinum Properties



The Legacy Main Street Streetscape

Pittman Properties and Platinum Properties

DESIGNWORKSHOP

120 E. Main Street
Aspen, CO 81611
(970) 925-8354